



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: January 28, 2016
Time: 9:45 am
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

		Pages
1.	CALL TO ORDER	9:45 AM - 9:50 AM
2.	APPROVAL OF AGENDA	
3.	CLOSED MEETING (Distributed Under Separate Cover)	9:50 AM - 10:20 AM
3.1	Motion to Close Meeting	
	<i>That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (a) & (i) for the purpose of considering:</i>	
	<i>Adoption of In-Camera Meeting Minutes Dated October 29 & November 26, 2015</i> <i>Personal information about individuals considered for positions appointed by LTC</i> <i>Legal advice</i>	
	<i>AND that the recorder and staff attend the meeting.</i>	
3.2	Recall to Order	
3.3	Rise and Report	
4.	TOWN HALL AND QUESTIONS	10:20 AM - 10:50 AM
5.	COMMUNITY INFORMATION MEETING	
	none	
6.	PUBLIC HEARING	
	none	
7.	MINUTES	10:50 AM - 11:00 AM
7.1	Local Trust Committee Draft Minutes Dated November 26, 2015 (for Adoption)	4 - 11
7.2	Section 26 Resolutions-without-meeting Report Dated January 2016	12 - 12

7.3	Advisory Planning Commission Minutes (for Receipt)	
7.3.1	<u>Advisory Planning Commission Draft Minutes of January 12, 2016</u>	13 - 18
7.3.2	<u>Waste & Resource Management Special Advisory Planning Commission (SAPC) Adopted Minutes Dated November 20, 2015</u>	19 - 26
7.3.3	<u>Waste & Resource Management SAPC Adopted Minutes of December 14, 2015</u>	27 - 38
7.3.4	<u>Waste & Resource Management SAPC Adopted Minutes of January 4, 2016</u>	39 - 47
7.3.5	<u>Waste & Resource Managements SAPC Draft Minutes of January 15, 2016</u>	48 - 57
8.	BUSINESS ARISING FROM THE MINUTES	11:00 AM - 11:10 AM
8.1	Follow-up Action List Dated January 2016	58 - 59
9.	DELEGATIONS	11:10 AM - 11:30 AM
9.1	B. Mathias & J. Chapman Re: Moving Around Pender (MAP) Transportation Plan	
9.2	Jim Burrows & Neptune Estates Re: NP-RZ-2015.1 (Colliers International)	
10.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
11.	APPLICATIONS AND REFERRALS	11:30 AM - 12:30 PM
11.1	NP-DVP-2015.7 (Deschenes) - Staff Report	60 - 73
11.2	NP-DP-2015.4 (Beauvais) - Staff Report	74 - 120
11.3	NP-DP-2015.6 (Rae/Driftwood) - Staff Report	121 - 138
11.4	NP-RZ-2015.1 (Colliers International) - Staff Report	139 - 157
12.	LOCAL TRUST COMMITTEE PROJECTS	
12.1	Land Use Planning for Waste and Resource Management - Staff Report	158 - 161
13.	REPORTS	1:00 PM - 1:30 PM
13.1	Work Program Report (attached)	
13.1.1	<u>Top Priorities Report Dated January 2016</u>	162 - 162
13.1.2	<u>Projects List Report Dated January 2016</u>	163 - 165
13.2	Applications Report Dated January 2016 (attached)	166 - 171
13.3	Trustee and Local Expense Report Dated December 2015 (attached)	172 - 172
13.4	Adopted Policies and Standing Resolutions (attached)	173 - 174
13.5	Local Trust Committee Webpage	

13.6 Chair's Report

13.7 Trustee Report

13.8 Trust Fund Board Report

none

14. NEW BUSINESS

none

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for February 25, 2016, at
the Pender Community Hall

16. TOWN HALL 1:30 PM - 2:00 PM

17. ADJOURNMENT 2:00 PM - 2:00 PM

DRAFT



North Pender Island Local Trust Committee Minutes of a Regular Meeting

Date: November 26, 2015
Location: North Pender Anglican Church
4703 Canal Road, North Pender Island, BC

Members Present: George Grams, Chair
Derek Masselink, Local Trustee
Diane Barber, Local Trustee

Staff Present: Justine Starke, Island Planner
Shannon Brayford, Recorder

Others Present: Twenty-six (26) members of the public present

1. CALL TO ORDER

Chair Grams called the meeting to order at 4:01 pm. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations and introduced the Trustees and staff present.

2. APPROVAL OF AGENDA

An addendum package, which was circulated to the Local Trust Committee and made available to the public, was noted.

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

John Aftias shared concerns that a lot adjacent to his property could be selected for the waste transfer facility site. He also provided reasons for believing that Michael Sketch, Elizabeth Montague, and members of the Pender Island Recycling Society should not sit on the Waste and Resource Management Commission (WRMC).

Michael Sketch asked to draw the Chair Grams attention to the Saturna Trust Council Report of June 2014 regarding a conflict of interest issue on South Pender Island. Mr. Sketch noted that the report had concluded that Islands Trust staff should provide resources regarding conflict of interest and that these had not been provided to the Waste and Resource Management Commission (WRMC).

Julie Roper addressed the Age Friendly Report. She commented that there was no relationship between the report and the recommendations, particularly those regarding

density and by-law amendments. Ms. Roper encouraged the LTC to keep this in mind when considering the report.

Ben McConchie noted that he was a member of the North Pender Advisory Planning Commission (APC), but that he was not speaking on the APC's behalf. He encouraged the LTC to continue supporting the collaborative process between South and North Pender through the WRMC and suggested involving the APC as they are available and not currently being accessed.

4. CLOSED MEETING

NP-2015-070

It was MOVED and SECONDED

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

- Advisory Planning Commission Memberships,
- Adoption of In Camera Minutes dated October 29, 2015.

And that the Recorder and Staff attend the meeting. And further that the North Pender Island Special Advisory Planning Commission (Waste and Resource Management Commission) Members join in the meeting upon invitation.

CARRIED

4.1 Recall to Order

Chair Grams recalled the meeting to order at 5:52 pm and noted that the meeting was being recorded with a digital recorder.

4.2 Rise and Report

Chair Grams read the following resolution from the in camera meeting:

NP-IC-2015-021

It was MOVED and SECONDED

THAT, given the recorded difficulties with the conduct and progress of the Waste and Resource Management Commission, the North Pender Local Trust Committee requests staff to report on alternative options for examining the waste management process issues on island in the event it is necessary to dissolve the Waste and Resource Management Commission.

CARRIED

5. COMMUNITY INFORMATION MEETING

none

6. PUBLIC HEARING

none

7. MINUTES

7.1 Local Trust Committee Minutes

7.1.1 Special Local Trust Committee Meeting Draft Minutes Dated October 26, 2015

By general consent the minutes of October 26, 2015 were adopted.

7.1.2 Local Trust Committee Meeting Draft Minutes Dated October 29, 2015

By general consent the minutes of October 29, 2015 were adopted.

7.1.3 Special Local Trust Committee Meeting Draft Minutes Dated November 7, 2015

By general consent the minutes of November 7, 2015 were adopted.

7.2 Section 26 Resolutions-without-meeting Report

none

7.3 Advisory Planning Commission Minutes

none

8. BUSINESS ARISING FROM THE MINUTES

8.1 Follow-up Action List Dated November 2015

It was recommended that item “Meeting Dates” be removed from the list.

9. DELEGATIONS

none

10. CORRESPONDENCE

none

11. APPLICATIONS AND REFERRALS

11.1 Salt Spring Island Local Trust Committee Bylaw No. 485 Referral

Chair Grams provided an overview and a brief discussion was held.

By general consent the LTC will respond to the referral with “Interests Unaffected.”

11.2 NP-RZ-2012.2 (Clam Bay) – Staff Memo – Bylaw No. 197

Note: Item 11.2 was addressed following item 12.3.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Age Friendly Planning - Presentation by James Van Hemert

James Van Hemert gave a brief presentation and noted that the recommendations of the report came from the information gathered from this community and also from the best practices of age-friendly planning.

Julie Roper stated that she objected to the Land Use Bylaw (LUB) recommendations for the following reasons:

- The sample size for the report's data was only 1.5% of the population.
- The bylaw revisions could not be limited to seniors, but could be used to increase residential density across the community,
- If all recommended revisions were applied it could increase the population of the island six times.

At Chair Grams' invitation, Planner Starke explained that the report provides recommendations only and that the LTC would review those recommendations.

James Van Hemert continued his presentation which included an overview of the plan's benefits and its top priorities of community transportation and active mobility.

The LTC thanked James Van Hemert for his work.

12.2 Waste Management – Updated Project Charter

Planner Starke provided an update and rationale for the revisions. She acknowledged the issues facing the WRMC, but noted that the Commission has been making progress. She also noted that the South Pender LTC had committed \$1000 in support of the project.

A discussion was held as to whether the amended Project Charter should be endorsed now or whether the LTC should reconsider it at a later date, given the ongoing issues.

NP-2015-071

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee endorse the amended Project Charter Version 2 dated November 26, 2015 (Land Use Planning for Waste Management).

CARRIED

NP-2015-072

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee amend Schedule 1 (Commission Work Plan) of the Terms of Reference (approved September 10, 2015) with the updated timeline in Version 2 of the Project Charter.

CARRIED

12.2 Housing – Update Staff Report re Short Term Vacation Rentals (STVR)

Planner Starke provided an overview of the community meeting that was held on November 7, 2015. She noted that staff had received positive feedback from the community and that the next community meeting on STVRs would be held in the new year.

A discussion was held regarding the project's general schedule.

NP-2015-073

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee endorse the amended Project Charter Version 2 dated November 17, 2015 (Housing: Short Term Vacation Rentals)

CARRIED

Note: At this time item 11.2 was addressed.

Note: At 6:27 pm Trustee Masselink recused himself from the discussion of Item 11.2.

Returning to Item 11.2 Chair Grams invited Planner Starke to provide an overview of the application.

NP-2015-074

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee proposed Bylaw No. 197, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2014" be Adopted.

CARRIED

NP-2015-075

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee proposed Bylaw No. 195, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2014 be Adopted.

CARRIED

Note: Trustee Masselink returned to the meeting at 6:31 pm.

13. REPORTS

13.1 Work Program Report

12.1.1 Top Priorities Report Dated November 2015

A discussion was held regarding the Age Friendly Plan and the project's next steps.

NP-2015-076

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee seek input from the North Pender Island Advisory Planning Commission on the completed Age and Disability Friendly Planning Report and seek advice on how to move forward and seek advice on an additional top priority.

CARRIED

12.1.2 Projects List Report Dated November 2015

For information.

13.2 Applications Report Dated November 2015

For information.

13.3 Trustee and Local Expense Report Dated October 2015

For information.

13.4 Adopted Policies and Standing Resolutions

For information.

13.5 Local Trust Committee Webpage

Trustee Masselink noted the difficulty referencing material attached to the calendar when using social media. A discussion was held to clarify the issue and formulate a solution.

By general consent the North Pender Island Local Trust Committee direct staff to post meeting agenda packages with direct links rather than calendar links only.

Chair Grams asked for clarification on why the WRMC meeting was not posted to the website. It was noted that the previous week's circumstances were extraordinary and not expected to occur again.

A discussion was held regarding the process for posting the digital recordings of the meetings. Planner Starke said that she expected the digital recordings would

be posted approximately one week after the meeting, but noted that the project was still in its pilot phase.

13.6 Chair's Report

Chair Gram provided an overview of the meetings which he had recently attended, as well as an update of the ongoing projects in which he is involved.

- Meeting with Minister Fassbender to provide an update on the Salt Spring Island governance study.
- Meeting with Minister Fassbender regarding potential renaming of the Trust Fund Board.
- Meeting regarding anchorage in the Salish Sea and plans to intensify tanker traffic in Plumper Sound.
- The Incorporation Study Committee held two open houses on Salt Spring Island which were well attended and well received.

13.7 Trustee Report

Trustee Masselink commented that it had been an interesting and challenging week. He noted that the public could refer to his Trust Report in the Pender Post for an update of his activities.

Trustee Barber remarked that it had been a busy week and expressed her hope that the WRMC would move forward successfully. She noted that the WRMC meeting that had been anticipated for November 27, 2015 would not be held due to insufficient public notice.

13.8 Trust Fund Board Report

13.8.1 Briefing re Costal Douglas Fir & Associated Ecosystems Partnership Conservation Strategy

For information.

14. NEW BUSINESS

14.1 Revised Annual 2016 Local Trust Committee Meeting Schedule & Memo

NP-2015-077

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee adopt the revised 2016 meeting schedule as presented.

CARRIED

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for January 28, 2016, location to be determined.

A discussion was held regarding the time of the meeting and it was noted that his would be a morning meeting at 9:45 am.

16. TOWN HALL

Michael Sketch referred to Chair Grams' "Chair's Report" from October 29, 2015. He asked Chair Grams to clarify details regarding Islands Trust Executive's meeting with the Agricultural Land Commission (ALC).

Chair Grams provided an overview of the meeting and the outcome.

Mr. Sketch noted that the Farm Plan 2008 recommends that Pender Island follow a similar process and questioned whether the LTC had an opinion on seeking such delegated authority.

Trustee Masselink commented that the Farm Plan 2008 does not make that recommendation and a discussion of this was held.

Chair Grams noted that the issue had not been discussed by this LTC.

Julie Roper remarked that she was a member of the North Pender Island APC and that there is a general concern on the island regarding water. She expressed her hope that the LTC was keeping water in mind when considering any development.

The LTC acknowledged this comment and noted that potable water is on their Projects List.

Anne Burdett asked for clarification on the point that the WRMC was being given two months before the LTC considered whether to dissolve the Commission or not.

The LTC clarified that the next scheduled meeting of this LTC was two months away and that the issue would be revisited at that time.

17. ADJOURNMENT

By general consent the meeting was adjourned at 7:06 pm.

CARRIED

George Grams, Chair

Certified Correct:

Shannon Brayford, Recorder

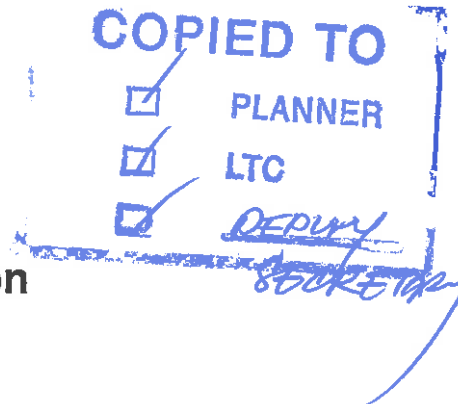


Resolutions Without Meeting

North Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2016-01	In Favour	THAT North Pender Island Local Trust Committee schedule a Special Local Trust Committee Meeting to be held February 6, 2016.	14-Jan-2016

DRAFT



Pender Island Advisory Planning Commission Minutes of a Meeting

Date: Tuesday, January 12, 2016 (1:00 p.m.)

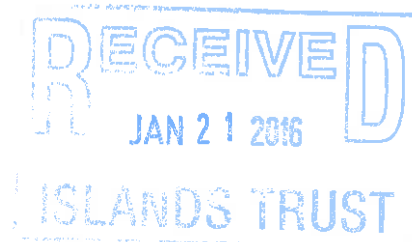
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: Michael Symons (Chair)
Barbara Johnstone Grimmer
Dorothy Murdoch
Julie Roper
Sharon Card
Ron Underhill
Garnet Coburn

Staff Present: Shannon Brayford, Recorder

Regrets: Benjamin McConchie
Justine Starke, Island Planner

Others Present: Three (3) members of the public were present
Diane Barber, North Pender Island Trustee



1. CALL TO ORDER

At 1:00 Chair Symons welcomed everyone and called the meeting to order.

2. ADOPT AGENDA

The following additional agenda items were presented:

- Item 3 Introductions
- Item 7 Report on Waste and Resource Management Commission (WRMC)

NP-APC-2016-001

It was MOVED and SECONDED THAT the Advisory Planning Commission approve the proposed agenda as amended.

CARRIED

3. INTRODUCTIONS

At Chair Symons' invitation the APC members introduced themselves in turn.

4. MINUTES OF WEDNESDAY, JULY 29, 2015 FOR ADOPTION

Members Underhill and Coburn noted that they had not attended the meeting of Wednesday, July 29, 2015 and would abstain from the vote.

NP-APC-2016-002

It was MOVED and SECONDED THAT the Advisory Planning Commission adopt the minutes of July 29, 2015 as presented.

CARRIED

5. NORTH PENDER ISLAND LOCAL TRUST COMMITTEE REFERRAL; AGE AND DISABILITY FRIENDLY PLANNING REPORT

5.1 Introductory Comments From Chair Symons

Chair Symons remarked that he had some prior involvement with the Age Friendly Plan as he was interviewed by the consultant in his capacity as Chair of the Pender Island Parks and Recreation Commission (PIPRC). He also noted that he had provided written feedback to the Local Trust Committee (LTC) regarding the plan. Chair Symons further commented that although his feedback to the LTC was primarily critical, he did not consider himself biased on the subject as his opinions were based on the report itself and the related materials on the Islands Trust website rather than any pre-judgment of the matter.

Note: Barbara Johnstone-Grimmer arrived at 1:10 pm.

5.2 Public Comments

Chair Symons invited the public to make comment.

No comments were made.

5.3 Round Table Comments And Discussion

Chair Symons noted that the Local Trust Committee (LTC) website included two letters from community members regarding the Age Friendly Plan. There was general discussion of the letters and those with printed copies circulated the letters to the other members.

Chair Symons invited each member to share their opinion of the plan. The following points were made:

- The overall purpose of the report is a good one.
- As a study it lacks reliability and validity.
- The survey data is not representative of the population.
- The information provided is interesting, but more robust data would be useful.

- There are obvious inaccuracies and omissions in the report.
- The recommendations are not supported by the data.
- The recommendations for improved accessibility for buildings and outdoor spaces is useful, but the LTC may not be able to help improve these.
- The recommendations for public transit and improved road maintenance are useful, but may be outside of the LTC's mandate.
- Further community discussion should be considered before implementing any of the housing recommendations.
- The plan does not appear to recognize the island as a rural community with limited resources, including potable water.
- The plan does not acknowledge the large age range of seniors and the differences between the younger and elder of the group.
- The plan does not recognize financial limits and other practical limits in creating the resources that it recommends.

Member Johnstone Grimmer produced a copy of a Federal Government document titled Age Friendly Rural and Remote Communities: A Guide. She commended the document and provided an overview of it's recommendations.

A discussion was held regarding mobility and transportation. It was noted that Pender Island is vehicle dependent and a public transportation option will require the support of the broader community in order to become viable. The projects of Moving Around Pender (MAP) and the bus systems of Saturna and Mayne Island were discussed.

A discussion was held regarding the housing options presented in the document and the potential for multi-unit zones or secondary suites to create affordable housing options. The discussion included points regarding affordability, potable water, and challenges faced by such projects in the past.

Member Roper asked that the minutes record that the APC had previously recommended that the LTC work from the 2008 Report on Housing and to her knowledge they had not acted on that recommendation.

Community member Elizabeth Preston commented that transportation and housing are big issues. She further remarked that she was one of the seventy respondents to the survey and that she wished the questions had better captured her needs.

LTC Trustee Diane Barber provided an explanation of the grant that was received to fund the report and an overview of which recommendations the LTC could potentially act on and which ones were outside of their mandate.

Community member Andrea Mills commented that the report had the benefit of bringing people together and starting the conversation. She noted that the plan is the starting point and was not intended to be comprehensive.

6. RECOMMENDATION(S) FOR AN ADDITIONAL ITEM FOR TOP PRIORITY LIST

NP-APC-2016-003

It was MOVED and SECONDED THAT the North Pender Island Advisory Planning Commission recommend that the North Pender Island Local Trust Committee not take any specific action based on this report given the flaws and omissions, but that, given the importance of the Age Friendly Initiative, the Local Trust Committee obtain broad based community input and analysis to understand community need before taking further action.

CARRIED

It was moved by Member Roper that the North Pender Island Advisory Planning Commission acknowledges that the Age Friendly Plan is a priority and that the Local Trust Committee move forward on the issue of transportation.

There being no Secunder, Chair Symons announced that the motion did not move forward.

A discussion was held regarding the limited role that the LTC can have regarding transportation-related projects.

7. RECOMMENDATION(S) FOR AN ADDITIONAL ITEM FOR TOP PRIORITY LIST

Chair Symons noted that the Age Friendly Plan could be the item that the APC recommended.

Chair Symons invited each member to present their recommendation for the additional top priority. The following items were presented and discussed:

- Climate Change Adaptation and Community Resilience
- Conservation Subdivisions
- Potable Water
- Applications after the fact
- Age Friendly Plan

A discussion was held regarding the first three items on the Projects List and whether they were three distinct items or one collective item.

NP-APC-2016-004

It was MOVED and SECONDED THAT the North Pender Island Advisory Planning Commission recommend that the North Pender Island Local Trust Committee consider Project 1 Climate Change Adaption and Community Resilience, Conservation Subdivisions, and Potable Water; or the Age Friendly Plan for their Top Priority List.

A discussion was held regarding Conservation Subdivisions and it was generally agreed that Conservation Subdivision could be removed from the recommendation.

A discussion was held regarding whether the APC should recommend the LTC consider one recommendation or the other, or if they should recommend both items be placed on the top priority list.

A discussion was held regarding whether to remove the Age Friendly Plan from the motion as the LTC had already removed it from their list and was moving forward with related housing issues under a different project item.

It was requested that the minutes reflect the dissenting opinion of the vote. The motion was re-read as follows:

NP-APC-2016-005

It was MOVED and SECONDED THAT the North Pender Island Advisory Planning Commission recommend that the North Pender Island Local Trust Committee consider Project 1 Climate Change Adaption and Community Resilience and Potable Water for their Top Priority List.

CARRIED
**(Opposed Chair Symons, Member Roper,
Member Johnstone Grimmer)**

8. WASTE AND RESOURCE MANAGEMENT COMMISSION (WRMC) UPDATE

Member Underhill provided a report on the WRMC as the ex-officio member to the Commission. His report included the following points:

- The Commission is close to having a first set of criteria for a Waste Transfer Site (WTS)
- The Commission is suffering under dysfunction with groups of interest pursuing their own agenda from the outside and also from within the Commission.
- At the November LTC meeting the WRMC members were informed that the LTC would decide in January whether they would have the Commission continue their work or dissolve it.

A discussion was held regarding whether the Commission's mandate allows them to consider whether the island should have a WTS at all.

Trustee Barber provided an overview of the history that lead to the formation of the WRMC and it's mandate.

9. ADJOURNMENT

Chair Symons noted that a brief meeting would be scheduled for the approval of this meeting's minutes.

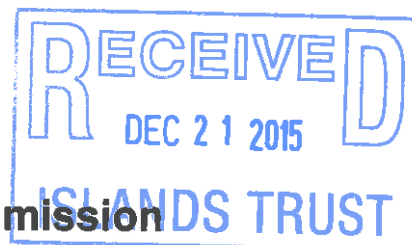
By General consent the meeting was adjourned at 3:24 pm.

Michael Symons, Chair

Certified Correct:

Shannon Brayford, Recorder

ADOPTED



**Pender Island
Waste and Resource Management Commission
Special Advisory Planning Commission
Minutes of a Meeting**

COPIED TO

Date: Friday, November 20, 2015 (12:30 p.m.)

Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

☒ **PLANNER**

☒ **LTC**

DEPUTY

SECRETARY

Members Present: Elizabeth Montague, Chair
Richard Philpot, Deputy Chair
Dale Henning
Donn Korbin
Jim Petrie
Ursula Poepel
Gordie Duncan
Michael Sketch
Davy Rippner
Ron Underhill

Staff Present: Justin Starke, Island Planner
Shannon Brayford, Recorder

Regrets: John Pollard

Others Present: Trustee Masselink
Anke Bergner of the Capital Regional District (CRD)
Russ Smith of the CRD
Ten (10) members of the public were present

1. CALL TO ORDER

At 12:31 Chair Montague welcomed everyone and called the meeting to order.

2. ADOPT AGENDA

By general consent the agenda was approved as presented.

3. APPROVAL OF MINUTES

By general consent the minutes of October 16, 2015 were adopted.

4. COMMENTS FROM COMMUNITY MEMBERS

Chair Montague recognized Member Petrie, who made the following motion:

NP-SAPC-2015-018

It was MOVED by Member Petrie and SECONDED by Member Henning THAT the Commission limit presentations to fifteen minutes on any subject in an effort to utilize time effectively.

Member Petrie spoke to his motion and commented that the Commission was falling behind schedule and that this motion would encourage effective use of their time.

Member Sketch commented that the Chair and Co-Chair should continue to allot time based on their judgement.

Chair Montague provided an overview of the objectives of this meeting and recommended the motion be held until the next meeting. Co-Chair Philpot offered support of this suggestion.

By general consent it was agreed to postpone motion NP-SAPC-2015-018 indefinitely.

John Aftias was acknowledged by the Chair. He commented on one of the proposed waste transfer station sites and the impact this site would have on his adjacent property. Mr. Aftias noted that this proposed site would threaten his property's water source and that the area surrounding his property was already too heavily zoned for industrial use. He presented the commission with a copy of a past hydrology report and invited commissioners to visit the property.

Chair Montague invited Planner Starke to provide feedback.

Planner Starke thanked Mr. Aftias for the information and offered assurance that the issues that concerned him were part of the Commission's deliberations.

Member Sketch asked how long Mr. Aftias had been on the property and was answered "16 years". Member Sketch also asked if proper drainage would address his concerns and Mr. Aftias answered that it might help, but that the water issue was not his only concern.

Ron Henshaw introduced himself and thanked the Commission for their work. He remarked that as an operator he was willing and wanting to work with the Commission. Mr. Henshaw addressed Mr. Aftias and assured him that he was not pushing the Commission to recommend that or any other particular site, but did acknowledge the limitation of industrial lands on Pender Island.

Chair Montague acknowledged Member Henning.

Member Henning rose and asked that the document he was about to read be recorded in the minutes. Points from Mr. Henning's presentation included the following:

- An overview of the format for the community comments portion of the meeting in which Members could also make presentations.
- An overview of the Commission's Terms of Reference Item 13 which compels Members to disclose conflicts of interest.
- A report of Member Henning's conversation with the Islands Trust Office of Advocacy and Policy during which he confirmed that policies related to bias apply to this Special Advisory Planning Commission (SAPC).
- A report that Member Henning discovered public documents on the Agricultural Land Commission's (ALC) website which listed Member Sketch and Chair Montague as "affected parties" in ALC file #53097.

Member Henning then called upon the Members of the Commission to identify themselves if they are participating in any way in ALC file #53097.

Member Sketch stood saying "I stand on a point of order" and was acknowledged by the Chair. Member Sketch remarked that the Member Henning's presentation was not part of the agenda.

Chair Montague asked Member Henning to relinquish the floor and commented that the issue he was addressing did not represent a pecuniary interest and was therefore not a conflict.

Member Henning commented that he did not want to relinquish the floor, but returned to his seat. Member Henning noted Trustee Masselink's presence and remarked that the Trustee might have some comment on the issue.

Chair Montague acknowledged Trustee Masselink's presence, but remarked that she did not observe the Trustee indicating that he had a desire to speak.

Trustee Masselink confirmed that he would like to speak and made the following points:

- He was observing the Commissioners using public process to deal with unresolved issues around conflict of interest.
- The SAPC was sitting at the pleasure of the Local Trust Committee (LTC) and was not making sufficient progress.
- He encouraged the SAPC to work better moving forward.

Chair Montague thanked Trustee Masselink for his input and respectfully requested that Trustee Masselink allow the Commission to carry forth with their work.

5. INTRODUCTION OF CRD REPRESENTATIVES

Chair Montague provided an overview of the Commission's overall process and the objectives of today's meetings. She noted that this meeting was to serve a

function of information gathering and would therefore not include motions on possible locations.

Chair Montague welcomed CRD representatives Russ Smith and Anke Bergner.

Russ Smith discussed the structure of solid waste management within the CRD and the principles that guide their work. He also offered an overview of the variety of approaches that are currently used in different electoral areas and a detailed description of the approach used on Salt Spring Island. This overview included the following points:

- Salt Spring Island is the only area in the Capital Region with a transfer station bylaw.
- The CRD is the regulator and does not operate the site.

6. COMMISSIONER QUESTIONS TO CRD REPRESENTATIVES

Member Underhill asked whether the CRD has a strategy for waste material handling in the areas under their jurisdiction if the representatives could provide an overview of that strategy.

The CRD representatives responded with the following points:

- The CRD Solid Waste Management Plan does not currently include a plan for Pender Island.
- This overall plan is currently in the process of review and revision.
- The CRD could either include a plan for Pender Island in the update or write a solid waste bylaw under the current plan.
- The CRD is currently involved with Pender Island Recycling Society.
- The overall principles that guide the CRD's Solid Waste Management Plan are provided in the annual report which is not yet available in print, but is available online.

Member Korbin asked whether the CRD purchases land for waste transfer stations, whether this would be a reasonable possibility for Pender Island, and whether the CRD would insist on operating the site if they purchased the land.

The CRD representatives answered with the following points:

- The CRD can purchase land. This socializes the cost and the risk.
- The first step is to have the community invite the CRD to create the service.
- If the CRD purchases the land, this does not necessitate their involvement in operating the facility.

Member Korbin requested an overview of what a Land Use Bylaw from the LTC would provide.

Russ Smith invited Planner Starke to answer the question.

Planner Starke provided an overview of the limitations of an LTC Bylaw, noting that it could not necessitate ongoing operational requirements the way CRD licensing can.

Member Sketch asked if the representatives could estimate an annual parcel tax for a facility in which the CRD provides an all-inclusive service.

The CRD representatives noted the difficulty in making such an estimate as the true cost is impacted by a number of variables. They further stressed that each community is individual and comparisons are difficult.

Russ Smith estimated that the annual parcel tax would be around \$250 and noted that if the CRD was invited to do so they would provide scenarios and estimates to help the community understand the likely costs.

Member Sketch noted that Salt Spring Island is looking to incorporate their facility and that their rationale includes dissatisfaction with the CRD's service. He asked whether the CRD representatives had a solution for Pender Island that might provide greater success.

The CRD representatives answered with the following points:

- The creation of the service is driven by the preferences of the community.
- The CRD can be invited to provide any of the following roles including facilitating the discussions, providing estimates, creating the service, and distributing the cost.

Planner Starke asked how the CRD becomes involved.

Russ Smith answered that the CRD first creates a bylaw and the information on what the community wants could come from a source like this Commission.

Chair Montague asked what percentage of total diversion the CRD had reached toward their goal of 70%.

The CRD representatives replied that the percentage is 56%, but that the Provincial Target for 2020 is 350 kg per capita disposal which the CRD has already met.

Chair Montague asked whether it would be possible to require operators, as part of their licence, to sort and remove removable materials.

The CRD representatives answered with the following points:

- Materials are kept from the landfills using a combination of banning materials and increasing tipping fees.
- The regulations are not adapted for individual operators, but need to be the same for all licensed operators.

Member Korbin asked why the CRD subsidizes the cost of kitchen waste disposal, charging only \$110 when the true cost is \$140.

The CRD representatives commented that this is a complicated issue, but noted that keeping a consistent tipping fee for kitchen scraps and garbage is part of the reason.

Member Korbin asked if the private service that collects garbage could be expanded to include recycling.

Russ Smith responded that there are not any obstacles from the CRD's part of the process, but that they do not control the revenue piece for recycling and a smaller community may not be able to balance the high cost of that service.

Member Korbin asked whether the CRD anticipates becoming involved with commercial composting.

The CRD representatives responded that they have, in the past, approved a pure compost facility that met with the CRD bylaws. The facility had since been shut down due to non-compliance issues.

Member Sketch provided an overview of Section 838(1) of the Local Government Act and asked which model for CRD commissions was preferable, that commissioners are appointed by the electoral area director or that commissioners are elected within the local community where services are provided.

The CRD representatives were unable to offer any insight.

Member Sketch asked whether the CRD representatives could see an opportunity for a not for profit to manage the facility on property purchased through CRD loans.

The CRD representatives provided an overview of the CRD procurement policy making the following points:

- The first step could be community information which would lead to the writing of a CRD bylaw.
- If the CRD was not going to operate the site then they would use the community information to tender bids and recommend an operator who is able to provide equitable service at the lowest cost.
- There are limitations on which operators can be considered under the CRD procurement policy, but the CRD Director David Howe could also offer recommendations that are different from the staff.

Member Sketch clarified that his question regarded a Not for Profit serving as operator as has been used on Thetis and Hornby Islands.

Russ Smith said that such a solution is possible as long as it is established in accordance with regulations.

Chair Montague asked whether the CRD had educational material and resources that the LTC could use.

The CRD representatives provided an overview of the materials available including their annual report, outreach displays, social media education, the web resource My Recylopedia, and resources for school teachers.

Member Korbin noted that should the CRD licence or operate the facility it may become difficult for them to deal with operating violations, especially if there was financial incentive not to close the facility.

The CRD representatives responded that such a process requires due diligence in consultation with lawyers and that the preferred result is to have the operator start to comply. They acknowledged that closing a facility is difficult, but noted that staff enforces the bylaws and that political decisions do not play a role.

Member Sketch asked whether the CRD would consider allowing commingling of solid and liquid waste if the pathogenic and other risks of that practice was removed.

The CRD representatives advised that integrated resource management is a CRD Board priority. They further explained that one consideration is a Board policy that prohibits the land application of biosolids. .

Member Petrie asked for clarification regarding a facility in Ladysmith that does process solid and liquid waste.

The CRD representatives acknowledged this facility, but noted that the operation is not part of CRD.

7. NEXT MEETING AND NEXT STEPS

Chair Montague noted that an additional meeting has been scheduled for Friday, November 27 at 12:30 pm. She provided an overview of the meeting.

Member Petrie noted that Member Henning had not completed his presentation during this meeting and asked that it be continued at the next meeting.

Chair Montague acknowledged the request.

8. NEXT MEETING AND NEXT STEPS

NP-SAPC-2015-19

It was MOVED by Member Rippner and SECONDED by Member Henning
THAT the Commission adjourn at 2:30 pm.

CARRIED
(unanimous)

Elizabeth Montague, Chair

Certified Correct:

Shannon Brayford, Recorder



ADOPTED



Pender Island Waste and Resource Management Commission Special Advisory Planning Commission Minutes of a Meeting

Date: Monday, December 14, 2015 (12:30 p.m.)

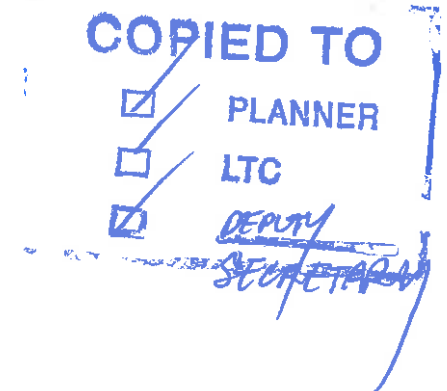
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: Elizabeth Montague, Chair
Richard Philpot, Deputy Chair
Dale Henning
Donn Korbin
Jim Petrie
Ursula Poepel
Gordie Duncan
Michael Sketch
Davy Rippner
Ron Underhill
John Pollard

Staff Present: Justin Starke, Island Planner
Shannon Brayford, Recorder

Regrets: None.

Others Present: North Pender Island Trustee Diane Barber
Twelve (12) members of the public were present



1. CALL TO ORDER

At 12:31 Chair Montague welcomed everyone and called the meeting to order.

2. ADOPT AGENDA

Member Korbin recommended the following additions:

- Following Item 5, new item titled "Role of the Chair".
- Following Item 7, new item titled "Relationship of the Special Advisory Planning Commission (SAPC) to the North Pender Island Local Trust Committee (LTC)".

By general consent the agenda was approved as amended.

3. APPROVAL OF MINUTES OF NOVEMBER 20, 2015

Recorder Shannon Brayford read the recommended amendments of Anke Bergner of the Capital Regional District (CRD).

Member Sketch read a recommended revision to Item 6.

It was noted that John Pollard was mistakenly listed as present.

NP-SAPC-2015-20

It was MOVED by Member Henning and SECONDED by Member Rippner THAT the Waste and Resource Management Commission adopt the minutes of November 20, 2015 as amended.

CARRIED
(unanimous)

4. COMMENTS FROM COMMUNITY MEMBERS

Chair Montague addressed the community with a statement that included the following points:

- This commission has been appointed by the North Pender Island LTC and all members are volunteers.
- Asked speakers to conduct themselves with civility.
- An overview of the Commission's goals and a note that public consultation is not included in those goals.
- A request that all comments on the applications now on hold be directed to the North Pender Island LTC in writing.
- A note that time will be limited to facilitate the remainder of the meeting's objectives.

Anne Burdett reported that during the Agricultural Land Commission (ALC) hearing Elizabeth Montague said that six sites were being considered by the Commission. Anne Burdett asked the Chair to make those sites public.

Chair Montague responded that the sites under consideration are publicly available and that they were provided to the Commission. She provided a list of the sites.

Isaac McPhee offered his property as a potential site, noting that he was willing to have one acre of the eight available acres rezoned and that his offer stood regardless of the operator selected. Mr. McPhee provided his address to the Commission.

Barbara Johnstone-Grimmer thanked the Commission for their work. She noted that difference of opinion is part of any commission and that the process serves to manage this.

Mike Burdett addressed Deputy Chair Philpot asking for clarification regarding the Pender Island Recycling Society's budget and whether the CRD was subsidizing

inadequate funding from Multi-Material British Columbia (MMBC). He also asked how much of this funding goes to wages.

Deputy Chair Philpot noted that the question may not be related to the business of the Commission and received the Chair's consent to answer. He then responded with the following points:

- Approximately 50% of the annual operating budget or \$86,000 is provided from the CRD in a funding model similar to the municipal blue box program.
- 65% of the total operating costs are wages, which is approximately \$65,000 annually. The director receives \$27.50 per hour.
- Funding is also received from six provincial stewardship programs.

Mike Burdett commented that the Commission includes three members of the Pender Island Recycling Society, as well as the spouse of a member. He noted that there is a conflict between their position and the work they are doing on this commission.

Member Sketch remarked that conflict of interest has been discussed at length by this Commission with the support of legal advice from the Islands Trust office. He noted by the Commission's Terms of Reference, conflicts are to be declared when a relevant agenda item is presented.

Member Korbin remarked that the LTC knew or should have known about the potential conflicts when they appointed this Commission. He noted that public perceptions of bias gone beyond the technical issues of bias and conflict of interest described by Member Sketch. Member Korbin commented that this is a serious concern.

5. COMMISSIONER CONFIDENCE

Member Sketch made a statement which included the following points:

- He opposed the ALC decision to allow conditional non-farm use on a particular Agricultural Land Reserve (ALR) property on Pender because it was falsely claimed that there was a need for siting a waste transfer site on this land and because the decision dismissed the agricultural value of the land.
- He and Mike Burdett had an informal and civil discussion on his position and if they could have such a discussion then this Commission should be able to do so as well.
- He does believe that the waste transfer site should not be on ALR land if an alternative exists and this position is consistent with North Pender Island's Official Community Plan (OCP).
- Member Henning had provided a written request asking for Member Sketch's removal and Member Petrie made comments of a similar spirit.
- The Commission does not have the power to remove commissioners, but the LTC does.
- During the last LTC in-camera meeting the LTC advised Member Henning to make a motion of non-confidence with the comment that if such a motion was

successful, Member Sketch might choose to step down and if the motion was unsuccessful Member Henning might choose to step down.

- He would be making a motion at this time and reminded the Commission that abstention is recorded as a vote in favour.

NP-SAPC-2015-21

It was MOVED by Member Sketch and SECONDED by Member Rippner THAT the Waste and Resource Management Commission has confidence in Michael Sketch in his continued role as commissioner, with knowledge of his action prior to establishment of the Waste and Resource Management Commission to ask the Agricultural Land Commission to reconsider their own decision 413/2013 given February 14, 2014 to allow conditional non-farm use of land in the Agricultural Land Reserve for operation of a waste transfer facility.

Member Petrie remarked that the comments Member Sketch referred to were made during a closed meeting and therefore Member Sketch was breaching confidentiality.

Member Korbin raised a point of order, noting that those who attended the meeting were not advised to hold the contents of the meeting in confidence and that they were not provided with a confidentiality agreement. He further noted that the LTC failed to meet the requirements of Section 92 of the Community Charter as they did not state the reason why the meeting had been closed to the public.

Member Petrie commented that she had spoken at the meeting with the understanding that it was in confidence.

At Chair Montague's request, Planner Starke made the following comments:

- Although the LTC did not specifically advise the Commissioners of the meeting's confidentiality, it was assumed that the Commissioners would understand this, given that it was a closed meeting.
- The comments made today have all been made publicly as well and therefore do not appear to be in breach of any confidentiality.

NP-SAPC-2015-22

It was MOVED by Member Korbin and SECONDED by Chair Montague THAT motion NP-SAPC-2015-21 be postponed indefinitely.

Member Korbin spoke to his motion commenting that it was premature to vote on a motion of confidence of any member.

Member Sketch remarked that several meetings had included discussion of this topic and that it could be settled at this time.

Member Petrie commented that he appreciated that Member Sketch had publicly disclosed his role in the recent ALC application. He further noted that while he agrees that differences of opinion will arise, he believes that the actions of Member Sketch and Chair Montague reflect a deeper bias.

The Chair called for a vote

CARRIED
(Members Sketch, Pollard, and Rippner opposed)

Chair Montague made a statement which included the following points:

- Member Henning has called for her and Member Sketch's resignation because of conflict of interest related to an ALC request.
- She did not conceal her involvement in this application and sent a copy of her letter to the ALC dated January 2015 to the North Pender Island LTC the next month.
- She opposed the ALC's decision because it was inconsistent with the island's OCP and since her role on the Commission is to uphold the OCP, there is no conflict.
- The Commission has a conflict of interest rule to deal with the biases of the members.
- The Commission has several members with possible biases because the people who applied are those who have expertise and interest in this area.
- Anne Burdett was originally appointed to the Commission, but subsequently withdrew.
- If the commission deems it necessary, she will accept a vote of no confidence and step down from her elected position as Chair of the Commission.
- She will accept the LTC's decision should they chose to remove her from the Commission.

NP-SAPC-2015-23

It was MOVED by Chair Montague and SECONDED by Member Rippner THAT the Waste and Resource Management Commission has confidence in Elizabeth Montague in her role as Chair of the Commission, with the knowledge of her action, initiated prior to the establishment of the Commission, to request a reconsideration of Agricultural Land Commission decision #413/2013 to conditionally approve non-farm use of land in the Agricultural Land Reserve for the operation of a waste transfer facility.

Member Korbin commented that the LTC has placed the Commissioners in a difficult position for the following reasons:

- They approved amendments to the Terms of Reference after the appointments were accepted and this is inconsistent with Trust Council Guidelines for APCs.
- They appointed two members from the same household.
- They appointed five people who are involved in public discussions of the rezoning applications for Waste Transfer Sites.
- They did not consider the implications of appointing residents from South Pender Island to a commission that will be making recommendations regarding the OCP of North Pender Island.

Member Korbin raised a point of order stating that the election of the Current Chair and Deputy Chair violated by-law 166(2i) and are therefore null and void. He remarked that after Barbara Johnstone-Grimmer resigned from the Commission, the Commission should have only elected a new Chair and not a Deputy Chair.

Member Henning made the following points::

- The Burdett land in question is identified as unusable for agriculture.
- He was not aware that the Commission was on record as considering any other non-industrial sites.
- He was not aware of Chair Montague nor Member Sketch's actions with the ALC when he joined the Commission and these actions demonstrate bias.
- When he joined he assumed that the process would be fair and unbiased and result in an accurate assessment.
- If the Commission cannot find any existing industrial options then they should look at other options including ALR lands.
- Community member John Aftias has raised concerns regarding the safety of his property's water should the site adjacent to his property be chosen.
- Member Sketch's solution for Mr. Aftias's concerns was unacceptable.
- Every member of the Commission should visit each of the proposed sites.
- Recommended that the Commission have an open discussion without Roberts Rules to fix the issue.
- The Commission has not done much toward achieving its goals.

Member Sketch responded with the following points:

- He had told Member Henning about his involvement with the ALC application during a private conversation in the Spring of 2015.
- He addressed his involvement in the application during an LTC meeting that Member Henning attended.
- Mr. Aftias' concerns relate to a surface well and surface run-off. Excavation can potentially be used to address the concern and Allen Industrial Land adjacent to recycling rented by Buchmaier should not be excluded as a viable choice on these grounds.

Member Korbin remarked that his Point of Order had not yet been addressed and noted that it would eliminate the need for Commissioners to choose sides in the Chair's motion and therefore facilitate the long term relationship of the Commission.

Chair Montague commented that the point of order was not productive and could be dealt with in a mediated session.

At the Chair's request, Planner Starke made the following points:

- A review of the minutes and a legal opinion may be required.
- By her recollection Liz Montague was nominated for the position of Chair and then passed the officiating of the election to Planner Starke. After becoming elected, Chair Montague's previous position of Deputy Chair became vacant.

Chair Montague deferred a decision on the point of order. .

Deputy Chair Philpot asked if Member Henning was asking for a vote of confidence.

Member Henning replied that he was not.

Deputy Chair Philpot made the following points:

- The Commission should not ask any members to step down nor pressure them to do so.
- The Commission is a community group comprised of the only eleven people who put their names forward. The LTC did not reject any applications.
- The Commission has been asked to deal with a complex and contentious issue. In the process, the members have had to become educated on both the topic and the process.
- The Commission needs a third party from off-island who is trained in mediation to help the group work together. Alternatively, this Commission should be dissolved and a new one formed.

Deputy Chair Philpot remarked that he would like to make a motion and it was noted that motion NP-SAPC-2015-23 was still on the table.

Member Pollard made the following points:

- The members are all adults and volunteers. All the members have his trust that they will behave as responsible adults.
- The job before the Commission is simple and requires that they look at seven sites and make a recommendation.
- The public will not be able to trust the Commission if they cannot trust each other.
- He is in favour of the motion of the Chair.

NP-SAPC-2015-24

It was MOVED by Member Korbin and SECONDED by Member Henning THAT motion NP-SAPC-2015-23 be postponed indefinitely.

CARRIED

(Members Rippner and Pollard Opposed)

Member Henning remarked that while Member Sketch may have spoken to him regarding the ALC application he does not have a recollection of this conversation. He further noted that he has not found any public comments in the minutes.

6. ROLE OF THE CHAIR

Member Korbin commented that the Chair had exceeded her role by conducting the following actions without the direction of the Commission:

- Directing Member Henning to speak with Pender Waste Management.
- Creating a separate operator survey in addition to the one created by the formed sub-committee.
- Inviting outside parties to speak with the Commission.
- Asking the LTC to create a mail out.

Chair Montague acknowledged these comments and it was generally agreed that the Chair will consult with the Commission prior to initiating actions on behalf of the Commission.

7. CODE OF CONDUCT

A document, which included a proposed Code of Conduct for the Commission was read for the benefit of the attending public.

Deputy Chair Philpot also asked that Commissioners refrain from exhibiting negative body language in response to the comments of other Members or the public.

NP-SAPC-2015-25

It was **MOVED** by Deputy Chair Philpot and **SECONDED** by Member Rippner **THAT** the Pender Island Waste and Resource Management Commission adopt the Commissioner Code of Conduct as presented.

Member Henning requested that the Code of Conduct be amended to include Section 45 of Roberts Rules which states that no member should vote on a question in which he or she has a direct pecuniary interest not common to the other members.

Chair Montague asked Planner Starke whether such an inclusion would be another rule on conflict of interest.

Planner Starke noted that the Islands Trust follows Roberts Rules when an issue is not otherwise addressed. She also noted that the Terms of Reference already define the conflict of interest procedures for this Commission, therefore this proposed inclusion would require the LTC to amend the Terms of Reference.

Member Petrie remarked that the Commission needs to work as a team and that the continuous focus on rules is eroding the public's confidence. He recommended that the motion be postponed indefinitely.

Member Underhill commented that the Code of Conduct itself is common sense and he has no issues with it. He also noted that the first paragraph includes vague statements and without a more clear understanding of what those statements mean he would not agree to adopt the document. Member Underhill also noted his hope that the commission would discuss whether the island needs a waste transfer site at all.

Member Korbín agreed with Member Underhill and noted that he would not vote in favour of adopting the document. He further noted that it was not appropriate to ask Commissioners to uphold the integrity and authority of our local government.

Member Sketch noted that some members of the Commission are not as versed with Robert's Rules as others are. He recommended that the document be amended to delete the first paragraph and the phrase "obey the rules of the organization".

Chair Montague agreed that the document could be amended and noted that the document was meant to serve as a reminder of the rules that all Commissioners should follow.

Deputy Chair Philpot withdrew his motion.

8. CRITERIA FOR SITING

Planner Starke provided an overview of the background material and noted that the Commission was not obligated to recommend a site, but could recommend that no property is zoned.

Ann Hewlett, a member of the public, was acknowledged by the Chair. She asked whether the ALC reconsideration decision removed the Burdetts from consideration.

Mike Burdett noted that a portion of their property is already zoned industrial.

Planner Starke commented that being part of the ALR does not preclude a property from consideration.

Chair Montague noted that in order to be consistent with the OCP, ALR property's are precluded.

Member Underhill commented that he hoped the Commission would be able to work successfully, but noted that if the Commission was going to be weighed down with motions and other process issues then the LTC should restart the process and form a new commission. .

A discussion was held regarding whether or not Member Underhill's comment was a motion. During the discussion Member Korbin commented that Member Underhill's remarks were out of order and not a motion.

Chair Montague acknowledged the comments of the Commissioners which had been circulated prior to the meeting. She recommended tabling the remaining agenda items until the next meeting.

Member Henning asked whether the next meeting would be a mediated one.

Deputy Chair Philpot suggested that Member Underhill facilitate the development of the siting criteria based on his expertise.

Member Underhill provided an overview of how such facilitation would work.

Member Henning recommended a round table discussion and asked whether such a discussion could be held, as a quorum, without following Robert's Rules.

Planner Starke advised that all meetings of the Commission must be advertised and open to the public if there is a quorum present. She further noted that the Commission can agree to hold a meeting in which they do not follow Robert's Rules.

Note: Planner Starke left the meeting at 2:49 pm.

Member Pollard commented that the type of session proposed by Member Underhill would be team-building and show the Commission how well they can work together.

A discussion was held regarding the scheduling of an additional meeting. It was generally agreed to hold the meeting on January 4, 2016 at 12:30 pm.

Chair Montague requested that all members circulate an advance list of their siting criteria.

Member Petrie noted that he had made a motion at the last meeting to limit Commissioner presentations to fifteen minutes and, as the motion had been postponed indefinitely, had intended to reintroduce it at this meeting. He commented that he would not make such a motion if the Commission would generally agree to follow the guideline.

Member Underhill remarked that he was reluctant to put a cap on any topic and that the Chair could stop speakers who were consuming an excessive amount of the Commission's time.

Anne Burdett asked what would lead the Commission to believe that an operator whose site was not chosen would use the waste transfer facility. She also asked whether the Commission would allow public comment at the end of meetings as the LTC does.

Member Sketch noted that the Terms of Reference was amended to allow the public to speak at the beginning of meetings so that the Commission could hear their comments before discussing the topics. He recognized that the current LTC chair is generous with the time for public input and also noted that Chair Montague generally recognizes the public and allows them to speak during the meetings.

Ben McConchle thanked the Commission for their work and commented that they appeared to be too caught up with Robert's Rules of Order. He expressed his hope that he would hear exciting discussion of how the problem can be solved and noted the expertise of the Members.

NP-SAPC-2015-26

It was MOVED by Chair Montague and SECONDED by Member Henning
THAT the Commission adjourn at 3:03 pm.

CARRIED
(unanimous)

Elizabeth Montague, Chair

Certified Correct:

Shannon Brayford, Recorder

ADOPTED

Pender Island Waste and Resource Management Commission Special Advisory Planning Commission Minutes of a Meeting

Date: Monday, January 4, 2016 (12:30 p.m.)

Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: Elizabeth Montague, Chair
Richard Philpot, Deputy Chair
Dale Henning
Donn Korbin
John Pollard
Jim Petrie
Ursula Poepel
Gordie Duncan
Michael Sketch
Davy Rippner
Ron Underhill (Ex officio Member)

Staff Present: Justin Starke, Island Planner
Shannon Brayford, Recorder

Regrets: None

Others Present: Thirteen (13) members of the public were present
Diane Barber, North Pender Island Trustee
Bruce McConchie, South Pender Island Trustee

1. CALL TO ORDER

At 12:32 Chair Montague welcomed everyone and called the meeting to order.

Chair Montague provided opening remarks which included an overview of the purpose of the meeting and a reminder that the Terms of Reference allow the Commission to identify new sites in addition to those provided in the staff report.

2. ADOPT AGENDA

A discussion was held regarding the agenda and the need for sufficient time for Item 5. It was suggested to move item 5 ahead in the agenda to become Item 3.

By general consent, the agenda was adopted as amended.

3. DEVELOPMENT OF CRITERIA FOR EVALUATING POTENTIAL SITES

Chair Montague recognized Member Underhill as the process facilitator.

Member Underhill provided an overview of the planning process and the meeting's goals. During initial discussions the Commission generally agreed to the following points:

- The Commission is not limited to recommending only one site.
- For consistency, the site will be referred to as a Waste Transfer Site (WTS).
- The criteria will be for the WTS itself which would be a site where items are sorted, segregated and transferred.

Member Underhill opened the floor to brainstorming ideas and the following criteria were raised by members of the Commission and the public:

- Central location
- Minimized visual impact
- Low tax payer cost
- Large enough to accommodate the changing waste stream
- Traffic safety
- Access to services (water, septic, hydro)
- Environmental impact
- Location
- Hydrology
- Protection of water table
- Not on potential farm lands where a viable alternative exists
- Noise
- Public convenience
- Using existing WTS
- Distance to ferry
- Avoid steep long hills on truck transportation route
- Smell
- Minimal size
- Criteria meets expert opinion
- Tourism value
- Sites ability to cope with toxic spill
- Fire hazards
- Broad community agreement with chosen site
- The materials that will be accepted
- Not adjacent to sensitive eco-systems
- Traffic flow at the site
- Space for parking
- Impact on high density users
- Buffer
- Berm for noise control
- Minimum 20 year life span
- Ownership (public or private)
- Minimize transportation greenhouse gas emissions

- Light pollution
- Minimize impact on marine and wildlife

Member Underhill encouraged the group to go through the list and group similar items. The following items were grouped under the heading “location”:

- Central location
- Distance to ferry
- Tourism value
- Not adjacent to sensitive ecosystem
- Minimal visual impact from road
- Fire hazards

Member Underhill asked that the group discuss the items that had been selected under the heading “LOCATION”. The following points were raised:

- Member Henning suggested a central location closer to the density of the public. It was noted that a central location would be more convenient for the majority of the public to reach and more efficient for operators to transport to.
- Chair Montague noted that the Commission does not have a clear understanding of what the public does with their waste and does not know if the WTS needs to be centralized or if it could be in a less central convenient location, such as en route to the ferry.
- Member Korbin noted that just because the WTS is open for particular items does not mean that operators will use it for that purpose.
- Member Henning noted the Capital Regional District (CRD) recommendation is that the siting should be viable for a minimum of 20 years.

A discussion was held regarding the types of material that will be accepted by the WTS:

- It was noted by several members that the Commission does not have a clear definition of the types of materials that will be accepted by the WTS.
- Member Henning commented that if the WTS opens with a basic structure it can then be expanded to accommodate the needs of the island.
- Member Sketch noted that the Commission had defined the materials and obtained general volume estimates at an earlier meeting.
- Planner Starke suggested that for the purpose of this exercise the Commission could list the criteria as a “size that is large enough to handle the accepted materials”, with the definition those materials being left for a later time.

A discussion was held regarding materials sorting at the WTS:

- Member Sketch remarked that there is a provincial imperative that the WTS operate as a sorting facility in order to minimize landfill waste.
- Member Petrie noted that facilities exist elsewhere to deal with reclaiming materials.
- Chair Montague remarked that the goals of the Province and the OCP is to create zero waste and transporting the materials does generate greenhouse gases.
- Member Henning questioned whether the scale of Pender Island can create a operationally efficient and cost effective method to reclaim the materials.

A discussion was held regarding a WTS and additional drop-off sites:

- Chair Montague and Member Korbin noted that if there are drop-off sites then the WTS would see less traffic from residential users.
- Member Petrie asked for clarification of what constitutes a drop off site and what constitutes a WTS. Member Korbin provided an explanation based on CRD definitions and Planner Starke noted that the WTS would accept materials, provide some sorts of processing, and store those materials until they are sent elsewhere.
- Member Henning questioned whether assuming that there will be a central drop off location is forcing an operational decision on the operators. Member Korbin noted that the drop off location does not assume that materials will then be taken to the WTS.
- A discussion was held regarding whether the drop off site and the WTS should be centrally located. Member Henning suggested that the WTS should be centrally located. He noted that there is a main corridor on the island and by locating the WTS on that corridor it would facilitate use. Member Rippner asked that the topic be revisited at a later time and Member Henning agreed.
- Member Korbin remarked that both a location close to the ferry and one close to the dense population area have been credited with potentially reducing greenhouse gas emissions. He noted that these statements together demonstrate that there is not a clear understanding of which one would produce a reduction. Member Korbin further commented that the island's size might make discussions of distance unnecessary

A discussion was held regarding composting and Member Petrie suggested seeking information from a member of the public who might have more information. He questioned the assumption that most members of the community are composting on their private properties. No member of the public spoke at this time.

Member Underhill asked that the group discuss the items that had been selected under the heading "SIZE":

- 15-35 meter vegetative buffer available.
- 15-35 meter setback

Member Henning read the Ministry of Environment recommendations regarding buffers. Planner Starke provided an explanation of the recommendations and noted that they serve to inform the regulations that are ultimately created under the Local Trust Committee (LTC) jurisdiction.

Member Underhill encouraged the group to go through the list and group similar items under the heading "environment":

- Water, septic and hydro services
- Environmental impact
- Hydrology
- Protection of water table and consideration of aquifer susceptibility.
- Noise
- Smell
- Risk from toxic spill

- Light pollution
- Berm for noise control
- Not adjacent to sensitive ecosystem
- Minimize impact on marine and wildlife

A discussion was held regarding the item “hydrology”. The Commission discussed the value of obtaining a hydrology report and the types of regulations that the Commission could recommend. Planner Starke noted that there are not regulations from an outside body, but the LTC could look at recommendations from those bodies.

Member Henning read a regulation regarding bio solids and compost facilities and noted that this regulation would need to be met. Planner Starke noted that there is also a CRD licence requirement for such a facility and that this would be an operational consideration rather than a land use one.

A discussion was held regarding noise and how to create a criteria related to this concern.

- Planner Starke commented that there are many ways that the environmental issues can be addressed, including a recommendation that the LTC require an environmental impact study. She noted the different tools available to the LTC and the differences for example, between zoning and temporary use permits.
- Planner Starke suggested that noise, odour, dust, light and traffic could be placed under a heading such as “nuisance”. Member Underhill noted that these items might not be related to siting, but should be placed in the parking lot as issues that are brought to the LTC.
- Member Sketch remarked that noise could be left as a criteria for siting because it relates to the size, presence of a berm, proximity to those who would be annoyed, and presence of vegetative cover.
- Member Duncan noted that trucks driving to the locations also create noise.
- John Aftias, a member of the community, commented that traffic and site-related noise is a concern and that the area near the current recycling facility is already experiencing a high volume of noise.
- Candice Zell noted that Pender Island residents place a premium on the quiet atmosphere.

Throughout the discussion, the following items were noted for later conversation under the heading “Parking Lot”:

- Composting
- Site functions related to public education
- List of accepted materials
- Existing models that can be studied
- Drop off site criteria (such as central location)
- Noise, light, dust and traffic

Additionally, the following items were noted under the heading “Assumptions”:

- Site will fit the Official Community Plan (OCP) or the OCP will be modified.

- Visual impact will meet Ministry of Transportation and Infrastructure (MOTI) regulations
- Typical WTS's will handle residential, commercial, demolition, and additional items.
- The WTS will only handle waste from Pender Island.
- The issue of composting is undecided/unresolved.
- The drop-off site should be centrally located
- Future residential garbage may be picked up or will continue to be dropped off.

Note: Planner Starke left the meeting at 2:34 pm.

4. COMMENTS FROM COMMUNITY MEMBERS

Ann Hewlett addressed Members Sketch, Montague, and Rippner. She commented that the conflict of interest issue will continue to be ongoing and noted that the guidelines indicate that the members should seek legal advice from the Islands Trust. She remarked that the public would have to respect that advice, but asked if the members had each sought such advice.

Chair Montague responded that she has asked for legal advice, but has not heard back from the Island's Trust office, noting that many people were on holidays. Chair Montague further remarked that the LTC has the ability to remove members from the Commission and that they were given the opportunity to do so, but had not.

Member Rippner responded that the legal advice sought by Chair Montague was on his behalf as well. He further commented that he was not prepared to step down.

Member Sketch responded that he had sought legal advice from three independent lawyers in addition to the legal advice sought from the Islands Trust. Member Sketch noted that members of the public can obtain legal representation to challenge their place on the Committee and they can also write to the LTC to ask that members be removed.

Deputy Chair Philpot thanked Ann Hewlett for her question and confirmed with the Trustees that the legal opinion was sought, but had not yet been received.

Chair Montague asked Ann Hewlett why Member Rippner was included in the question. Ann Hewlett responded that she addressed the issue in a letter to the LTC.

Referring again to the policy on conflict of interest, Ann Hewlett noted that she believed that the conflict of interest in question does not represent a single issue, but a larger one that will continue to arise consistently through the Commission's ongoing work.

Note: A break was held from 2:55-3:05 pm and Deputy Chair Philpot left during this time.

Chair Montague called the meeting to order. She invited Member Underhill to provide an overview of the next meeting.

A discussion was held regarding the goals of the next meeting.

Member Petrie remarked that the CRD could be very pivotal in this process and a discussion was held regarding the involvement of the CRD representatives:

- Chair Montague commented that the CRD is waiting for an initiative from the community before providing suggestions.
- A discussion was held regarding the information that the CRD could potentially provide to facilitate the process.
- Chair Montague noted that community information sessions will be held and the CRD representatives will be invited to those.
- Member Sketch remarked that he had asked for the per parcel lot cost of a complete service and the CRD representatives had estimated a cost of \$200-\$250. Member Sketch noted that he had also asked about details for a non-profit operation. He commented that the CRD representatives indicated that they would adapt to the Island's needs.

5. MINUTES OF DECEMBER 14, 2015 FOR ADOPTION

Member Petrie noted the importance of having an audio recording of the meeting and stated that he had written to the LTC to encourage its use.

In addition to recommended revisions the following points were discussed:

- Referring to page 7 Member Sketch asked Member Henning if he (Member Henning) said that when Member Sketch rambles he (Member Henning) often ignores him. Member Henning confirmed that he said this. Member Sketch asked if everyone was happy that the minutes stated that Member Henning "did not recall the conversation" as opposed to saying that he had ignored him. There was general consent that this was acceptable. Chair Montague asked for Mr. Henning to apologize to Member Sketch. Member Henning stated that he has great respect for his fellow member, but that he would not apologize for the statement.
- Member Henning asked when the Agricultural Land Commission (ALC) reconsideration of the Burdett application would be released. Member Sketch and Chair Montague noted that the decision will take time, but that it would be published on the ALC website.
- Referring to page 2, Member Petrie asked whether Mike Burdett asked the question or if it was another member of the public, Gary Steeves. The recorder clarified that while Mr. Steeves participated in the discussion, Mr. Burdett asked the question.
- Member Pollard commented that inclusion of the public's names in the minutes might deter public comment. Chair Montague noted that names are helpful when the minutes are used for reference at a later date and the inclusion of names would encourage respectful interactions.
- Community member Ann Hewlett asked for an explanation of why some community member comments are included and others are not. The recorder explained that this Commission has requested more detailed minutes than those commonly used in the Islands Trust. She further explained that when anyone states a specific point or asks a question it is

included with their name, however in discussions where many people are speaking each specific comment is not usually noted.

The following amendments were put forward by Member Korbin:

- Page 3, replace “he noted that he shares Mr. Burdett’s concerns” with “He said the public perceptions of bias goes beyond the technical issues of bias and conflict of interest described by Mr. Sketch. This is a serious concern”.
- Page 5, after “Trust Council” add “Guidelines for divisors Planning Commissions.
- Page 5, replace “Chair Montague tabled the point of order” with “Chair Montague deferred a decision on the point of order”.
- Page 7, replace “directing” with “asking”.
- Page 8, to the bottom of paragraph four add “He further noted that it was not appropriate to ask Commissioners to uphold the integrity and authority of our local government”.

The following amendments were put forward by Member Sketch:

- Page 6, Bachmeier Farm should read “Allen Industrial Land adjacent to Recycling rented by Bachmeier”. (This amendment was confirmed with Mr. Aftias who was the original speaker)
- Item 5 title should be “Commissioner Confidence”
- Page 9, add “reconsideration” between ALC and decision. (This amendment was confirmed with Ms. Hewlett who was the original speaker)

NP-SAPC-2016-001

It was MOVED and SECONDED THAT the Waste and Resource Management Commission adopt the minutes of December 14, 2015 as amended.

6. NEXT STEPS

An overview of the next meeting was provided by Member Underhill at the completion of Item 4.

7. NEXT MEETING

By general consent the Waste and Resource Management Commission agreed to change the next scheduled meeting from January 15, 2015 at 12:30 pm at the Community Hall to January 15, 2015 at 10:00 am at St. Peter’s Anglican Church.

8. ADJOURNMENT

NP-SAPC-2016-002

It was MOVED by Member Duncan and SECONDED by Member Poepel THAT the Commission adjourn at 3:42.

CARRIED
(unanimous)

Elizabeth Montague, Chair

Certified Correct:

Shannon Brayford, Recorder

DRAFT

COPIED TO

☒ **PLANNER**

☒ **LTC**

☒ **DEPUTY**

SECRETARY

**Pender Island
Waste and Resource Management Commission
Special Advisory Planning Commission
Minutes of a Meeting**

Date: Friday, January 15, 2016 (10:00 a.m.)

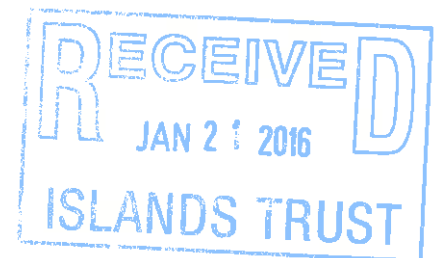
Location: St. Peter's Anglican Church
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: Elizabeth Montague, Chair
Dale Henning
Donn Korbin
Jim Petrie
Ursula Poepel
Gordie Duncan
Michael Sketch
Davy Rippner
Ron Underhill
John Pollard

Staff Present: Justin Starke, Island Planner
Shannon Brayford, Recorder

Regrets: Richard Philpot, Deputy Chair

Others Present: North Pender Island Trustee Diane Barber
Five (5) members of the public were present



1. CALL TO ORDER

At 10:08 am Chair Montague welcomed everyone and called the meeting to order.

2. ADOPT AGENDA

Recommended to move the approval of the minutes to item 6

By general consent the agenda was approved as amended.

3. COMMENTS FROM COMMUNITY MEMBERS

North Pender Island Trustee Diane Barber addressed the Commissioners and remarked that she appreciates the time they have dedicated to the Commission. She asked the Members to set aside their preconceived ideas of how the process will move forward today and work with Member Underhill with an open mind.

Candice Zell commented that under the heading "Location" there is a criteria item "central location". She remarked that she does not agree with this criteria and that industrial properties should not be located centrally.

4. DECISION MAKING PROCESS TO DEVELOP CRITERIA FOR EVALUATING POTENTIAL SITES

Member Underhill provided an overview of the process and the work completed to date.

Note: A member of the community, Candice Zell, asked if the meeting could be recorded. There was general consensus and she placed an iPhone on the Commissioner's meeting table.

Member Underhill directed the Member's attention to the items listed at the last meeting under the heading "Assumptions". He asked that the Members consider the types of structure that a Waste Transfer Site (WTS) can have including a full service site, a single operator's site with public drop off, and a single operator site without public access.

Member Henning questioned whether considering single operator structures was making an operational decision.

Chair Montague commented that recycling is implicitly included in the WTS because they are taking and sorting materials. She also noted that the current recycling facility can not accept commercial materials.

Member Korbin noted that facilities on other islands have been able to accept recycling from commercial sources. He further remarked that the location will be important if the public is accessing the site, but less important if access is limited to operators.

A discussion was held regarding recycling and the types of materials that may be accepted.

Noting that there is uncertainty on the future requirements for commercially sourced recycling and that there are zoning requirements for a recycling site, Planner Starke suggested that the Commission set recycling aside.

Member Sketch noted that that a full service WTS would have to, by provincial mandate, facilitate reuse and recycling of materials.

Member Korbin noted that Pender Island has to conform to the Capital Regional District (CRD) Regulations and the Provincial Mandates will come down through them when the time comes.

Member Pollard commented that they are unable to predict the future requirements. He noted that the most significant priority would be a location with enough space to accommodate the potentials.

Candice Zell was acknowledged and remarked that she was concerned that the volume of waste was not being considered.

Member Duncan remarked that a full service facility should not be limited to commercial recycling. A discussion was held regarding whether to include residential recycling as a site function under one of the options.

A member of the community Patrick Brown commented that it would be a large industrial site, a flat grade, and incompatible with a location close to residential or commercial properties. These items were listed under the heading "Criteria".

Member Underhill noted that the mandate of the commission is to focus on WTS siting criteria, but that there was a formal request to the Local Trust Committee (LTC) to have the Commission's mandate expanded to include the question of how the Island should deal with waste in general. He encouraged anyone with comments that exceed the scope of this Commission's meeting to address correspondence to the LTC.

Member Montague noted that if there is public drop off there would be parking and traffic requirements of the site.

A discussion was held regarding whether the site would involve multiple operators or a single operator. It was noted that the number of operators would impact the type of traffic that the site would have to accommodate.

A discussion was held regarding the volume of waste the site should expect to handle. It was noted that the CRD had provided a rough estimate, that there is a 2013 CRD Report that shows the quantity of waste that has come from Pender Island historically, and that Vice Chair Philpot also has resources for such estimates.

Member Sketch noted that the Official Community Plan (OCP) has a preference for clustering industrial lands. He requested an additional "Location" criteria item "adjacent industrial density".

Member Henning noted that the current recycling facility is in a state of flux and inclusion of commercially sourced recycling is being considered. Member Rippner noted that the possibility exists and there is opportunity to expand, but that the Pender Island Recycling Society is not doing so at the current time.

A discussion was held regarding the potential types of structure of WTS that may be considered.

A member of the community, Peter Binner commented that the needs of the community and the types of refuse should be considered in order to decide what type of facility is required. He noted that composting is not being discussed.

Member Underhill remarked that composting has been listed under the heading "Parking Lot". A discussion was held regarding how to include organic waste in the

listed structures for potential WTSs and whether it would be essential for a full service site.

Note: At 11:21 am member of the community Candice Zell removed the phone which was recording the meeting from the Commissioner table and replaced it again less than 1 minute later.

Member Sketch noted the importance of clearly defined language. He suggested that the Commission start with general terms and increase specificity from there. Member Sketch further commented that WTS is too specific when the site will really be managing discarded materials rather than waste.

Member Henning provided a brief overview of the current manner in which organic waste is handled on the island.

Note: At 11:29 am a lunch break was held and the meeting was reconvened at 11:59 am. Community Member Candice Zell replaced her phone as a recording device on the Commissioners' table.

Chair Montague recommended the following additional criteria items to be added to the general list:

- Optimal conditions for public safety
- Close proximity to the ferry
- Proximity to other waste and recycling related facilities
- Traffic patterns ensure optimal public safety

A discussion was held regarding proximity of the WTS to related facilities and the issue of traffic circulation as a location criteria. Both items were added under the heading "Location".

Patrick Brown commented that the site should include room for expansion which was included under the heading "Size".

Member Korbin asked that "consistent with future economic development of the island" be listed under the heading "General Criteria".

Member Duncan asked that "public drop off needs parking" be added under the heading "Location". A discussion was held. Planner Starke noted that parking can be addressed when the property is zoned.

Member Korbin raised the issue of a waste transfer site for South Pender Island. Planner Starke noted that the South Pender island OCP is explicit that there not be a waste transfer site on South Pender. It was listed under the heading "Assumption" that both South Pender and North Pender sites would be considered.

Member Underhill noted that after creating the criteria there is a possibility that no single piece of land on the island will meet the criteria.

Member Montague noted that the Commission can identify additional sites to those that have already been identified and that non-industrial sites can be considered.

Community member Candice Zell commented that she believes that the WTS should be away from residential and commercial locations. A discussion was held regarding the criteria that currently relate to geographic location and it was noted that several of the criteria are in direct conflict with each other.

Member Korbin recommended that an additional WTS structure option be added that serves as a drop-off site only.

Member Sketch remarked that noise and the site's proximity to those who would be impacted by it should be considered. He noted that under the heading "Location" the item "located remotely" would be better listed as "Not adjacent to commercial and residential sites".

Patrick Brown suggested that the chosen site not be one that would be ideally used for another purpose that is more valuable to the community. This item was added under the heading "Parking Lot".

Member Underhill asked the Commission to consider the goals of today's meeting and establish a direction for the remainder of the meeting. A discussion was held regarding how to structure the remainder of the meeting. Planner Starke recommended categorizing the brainstorm criteria at this meeting and then using that information at a later meeting under a different structured process.

Member Duncan commented that public input throughout the meeting may be hindering the meeting's progress. He referenced the Commission's handbook and noted that Community input is its own agenda item.

Member Sketch commented that consensus may not be required with each criteria item and that the criteria could be captured in a motion with the minutes reflecting dissenting opinions.

Planner Starke noted that community consultation was expected to occur early on in the process. She noted that this would allow the Commissioners to consider the community's preferences in addition to each member's personal opinions.

It was generally agreed to move forward in this meeting by moving items from the general criteria list to the more specific headings.

A discussion was held regarding the general criteria item "low cost". It was generally agreed to list this item under the heading "Parking Lot".

A discussion was held regarding the general criteria item "well and septic services". It was generally agreed to list this item under "Possible Regulations" and also to add "room for required services" under the heading "Size".

A discussion was held regarding ground water. Member Sketch noted that there is a ground water map available and that it should be referenced. "No impact on aquifer" was added under the heading "Environment".

A discussion was held regarding whether to add the item "hydrology" under the heading "Environment". Members Duncan and Sketch recommended the item be included. Member Underhill noted that the word does not define a criteria. It was generally agreed to include the items "surface run off concerns" and "water table contamination / not a wet site" under the heading "Environment".

A discussion was held regarding the criteria "avoid land with potential for agriculture". Member Sketch commented that this criteria is consistent with North Pender Island's OCP. Planner Starke commented that this criteria may need to be made more specific at a later time.

Note: Community Member Candice Zell removed her recording device from the Commissioners' table at 1:10 pm.

"Convenient for public" was added under the heading "Location".

A discussion was held regarding the general criteria item "Use an existing WTS". Member Henning noted that there are several commercial operations under which waste is transferred from that operation to the operator. It was also noted that there are sites that have historically been used under Temporary Use Permits (TUPs). It was generally agreed to not transfer this item to a more specific heading.

Note: At 1:14 pm Candice Zell placed the recording device back onto the Commissioner's table.

A discussion was held regarding the general criteria item "close to ferry for trucks". Member Sketch noted that large diesel trucks contribute to green house gas emissions and that the OCP provides a mandate to minimize green house gas emissions. It was generally agreed to place this item under the heading "Location".

A discussion was held regarding the general criteria item "odour". Planner Starke noted that this could be addressed under the headings "Possible Regulations" and "Size". A discussion was held regarding the ways in which odour can be addressed by regulations, including the role of the CRD in this. It was generally agreed to add "buildings to control noise and odour" under the heading "Possible Regulations". "Odour / Noise" were listed under the heading "Size". Member Underhill noted that although odour and noise are important considerations, they are not useful criteria for choosing a site. "Odour / Noise" were listed under the heading "Size" and also as a sub-item to the item "Not adjacent to commercial and residential properties" under the heading "Location".

A discussion was held regarding the general criteria item "minimal size" and the item "establish minimum size" was added under the heading "Size". At Planner Starke's recommendation "room for traffic and parking within the site" was also added under the heading "Size".

The item "Criteria meet expert review" was added under the heading "Parking Lot".

A discussion was held regarding the general criteria item "risk from toxic spill". Member Underhill suggested this be added under the heading "possible regulations"

and noted that it was not something that could be used as a siting criteria. Several members noted that the OCP prohibits the storing of toxic waste. Member Henning noted that there are regulations regarding the storage of materials that have toxic implications.

The item "control possibility for toxic impacts to environment" was added under the heading "Possible Regulations".

At Member Henning's suggestion, "Require concrete pad and capture all effluent with sump pump and holding tank" was added under the heading "Possible Regulation".

A discussion was held regarding the general criteria item "property values". Member Korbin noted that a site that creates a negative impact on the adjacent properties' values would not be well received by the community. The item "not affect property values" was added as a sub-item to the item "located remotely" under the heading "Location".

Member Henning commented that he had discussed the issue with real estate agents on the island specifically related to the Burdett application. He noted that the response he had been given was that it would not create a negative impact on the adjacent property values.

The following general criteria items were listed under their respective headings::

- "Fire protection plan" under the heading "Possible Regulations".
- "Not in or adjacent to a sensitive Eco-system" under the heading "Environment".
- "Control light pollution" under the heading "Possible Regulations".
- "Vectors" under the heading "Possible Regulations".
- "Ownership public or private?" under the heading "Parking Lot".
- "Impact on marine / riparian" under the heading "Environment".

A discussion was held regarding the general criteria item "flat". It was generally agreed to add the criteria item "flat site preferable" under the heading "Location". A discussion was held regarding the possible regulations for maximum grade and Member Duncan noted that such regulations exist and can be referenced.

A discussion was held regarding the general criteria item "support future economic development". Member Korbin noted that this criteria item encompasses protection of potential and existing uses of adjacent lands. Chair Montague noted that this is consistent with the existing OCP.

Note: At 1:59 pm Member Henning left the meeting. Candice Zell removed her recording device from the Commissioners' table.

It was generally agreed to add "Support future economic development" under the heading "Location".

A discussion was held regarding the criteria "minimize impacts to adjacent natural amenities". This item was added under the heading "Environment" and it was noted that this term should be refined at a later time.

A discussion was held regarding the process for refining the criteria at the next meeting.

5. MINUTES OF JANUARY 4, 2016 FOR ADOPTION

Member Sketch noted that Member Henning was no longer present at this meeting, but that the minutes of the last meeting did not include Member Henning's comment that the CRD had said that the cheapest way to deal with discarded materials was to throw it all in a green bag. Member Sketch noted that the CRD could not afford additional landfills and had wanted to clarify the statement with Member Henning.

Member Petrie commented that it would be appropriate to continue the discussion when Member Henning is present.

A discussion was held between Member Sketch and Member Korbin regarding whether there are diverging opinions on the Commission regarding the goals for reducing waste. Member Korbin noted that personal opinions on the matter would not play too significant a role in the Commission's work.

By general consent, the minutes of January 4, 2016 were adopted as presented.

6. NEXT STEPS

Planner Starke recommended that the next meeting's proposed agenda include a discussion to plan public consultation sessions.

7. NEXT MEETING

Chair Montague noted that the next meeting is scheduled to be held on South Pender Island at Fire Hall #3.

8. ADJOURNMENT

By general consent, the meeting was adjourned at 2:28 pm.

Elizabeth Montague, Chair

Certified Correct:

Shannon Brayford, Recorder

Follow Up Action Report

North Pender Island

27-Nov-2015

No.	Activity	Responsibility	Target Date	Status
1	October 26 2015 Minutes of the NPI LTC adopted. October 29 2015 Minutes of the NPI LTC adopted. November 7 2015 Special Meeting of NPI LTC adopted.	Lori Foster	18-Dec-2015	Done
1	Waste Management - Project Charter Version 2 endorsed. Terms of Reference for SAPC amended with new timeline. Update website with new documents and staff report.	Justine Starke Lori Foster	02-Dec-2015	Done
1	Planning staff to present LTC with options for pursuing the Waste Management project in the event the SAPC is dissolved.	Justine Starke	13-Jan-2016	Done
1	Bylaw Nos. 195 (LUB) & 197 (OCP) {Clam Bay Farm} adopted.	Sharon Lloyd-deRosario Kim Farris	16-Dec-2015	Done
1	Age friendly plan - Final report received by the NPI LTC. Report back to UBCM funders.	Justine Starke Mike Richards	31-Dec-2015	Done
1	Housing (STVR) project charter adopted as amended. Update website with new project charter. Also post staff report.	Justine Starke Lori Foster	30-Dec-2015	Done
1	Refer Age Friendly Plan to APC - done LF Dec 3. Seek input on next steps and advice on what the next top priority for the LTC should be.	Sharon Lloyd-deRosario Justine Starke Lori Foster	28-Jan-2016	Done

Follow Up Action Report

1	NPI LTC Request to post pdf agenda packages to website so links can be shared without having to make people go through the calendar.	Robert Kojima Justine Starke Lori Foster	20-Jan-2016	On Going
1	Amended annual meeting schedule adopted. Also - confirm time and place for January 28 LTC meeting.	Lori Foster	02-Dec-2015	Done

STAFF REPORT

January 19, 2016

File No.: NP-DVP-2015.7

To: North Pender Island Local Trust Committee
For LTC Meeting: January 28, 2016

From: Phil Testemale A/Planner2

CC: Robert Kojima, Regional Planning Manager
Justine Starke, Island Planner
Warren Dingman, Bylaw Enforcement Officer

Re: Development Variance Permit Application

Owner: Jean H. Deschenes
Applicant: Same
Description: Lot 196, Section 10, Pender Island, Cowichan District, Plan 19361
PID: 003-727-661
Civic Address: 37148 Schooner Way, Pender Island

THE PROPOSAL:

This report is to consider a Development Variance Permit (NP-DVP-2015.7) for maximum height and number of storey regulations. Specifically, the proposal is for:

A variance to the **height** and **number of storeys for an existing accessory building** from 4.6 metres and one storey to 5.15 metres and two storeys.

Subsection 3.4.4 of the North Pender Island Land Use Bylaw No. 103, 1996 states:

An accessory building or structure may not exceed 4.6 metres in height and one storey...

The purpose of the application is to bring the property into compliance by legalizing an existing accessory building on the subject property.

A copy of proposed Development Variance Permit NP-DVP-2015.7 (Deschenes) is attached.

BACKGROUND:

This application is the result of enforcement and a legal opinion which determined that the owner was using the property in contravention of the North Pender Island Land Use Bylaw. Specifically, the accessory building (the original dwelling) on the property is two storeys and in excess of 4.6 metres in height.

The property currently has a cabin, an **original** single family dwelling (now **accessory building**) and a **new** dwelling, plus numerous accessory buildings.

The sequence of permitting, construction and bylaw enforcement is as follows:

1960's & 70's

- The cabin was built on the property in the 1960's.
- The original dwelling (subject building) was started in 1971 and completed in 1973.

2003/4

- In 2003 the owner began plans to build a new single family dwelling and obtained a Capital Regional District building permit to convert the original dwelling into an accessory building (PN03-320). The condition on the permit was that building was not to be inhabited with the sewer connection removed to ensure it remained uninhabitable. The application was not referred to the Islands Trust for comment. It remains uncertain whether the original dwelling had one or two stories.
- The owner's moved a trailer onto the property to use a temporary dwelling while building the new dwelling.
- A Building Permit (PN04-360) for the new house was issued in October, 2004 and the file was referred to the Islands Trust. It was initially rejected as the dwelling was shown as over the allowable maximum height. The revised drawings were approved with the condition that a legal survey confirming that the dwelling was in compliance for height be provided prior to Final Occupancy. This condition was placed on the BP.

2012

- Final Occupancy permits were issued for both the 2003 conversion permit (accessory) and 2004 permit (new dwelling) in October of 2012. It appears that the survey for the latter was not provided to the CRD. The Building Inspector reported that the entire accessory building was "gutted."

2012 to 2014

- Between 2012 and January 2014, the owner renovated the accessory building either by adding a second floor, or by renovating an existing second floor, and by adding a bathroom, two bedrooms, living area and a kitchen.
- The trailer continued to be used as a dwelling after 2012. This has now been removed from the property.

2014 to Present

- In January 2014 Bylaw Enforcement received a complaint about the residential use of the accessory building (second floor). Upon investigation, it was found that the owner's mother had inhabited the building for about a year.
- The owner was informed that the use of the accessory building as a residence was unlawful and that as a permitted accessory building it could not have a second storey as per the North Pender Land Use Bylaw.
- Bylaw Enforcement have been unable to obtain reliable evidence which would determine if the interior of the second storey was ever removed from the building, or if it was once removed and then reconstructed.
- The CRD building inspector will only definitively state the envelope, or over all height of the building, has not been altered from the original 1971 construction. However, a review of the original building plans does reveal that a double garage has been added to the ground floor.

- The owner retained legal counsel who asserted that the accessory building was legal non-conforming. The owner also stated that the second floor was for storage and for use as a lunchroom for her home-based business.
- Multiple legal services requests were made in 2014 to verify the non-conforming use of the property. The final opinion from legal counsel stated that everything on the property was lawful until the new dwelling was built.
- On April 15, 2015 a letter was sent on behalf of the Local Trust Committee from Young Anderson demanding the applicant bring the property into compliance by November 1, 2015. The letter gave two options: (1) Remove the new dwelling on the property (as its construction triggered the non-compliance); or, (2) conversion of the accessory building to meet the height and storey regulation.
- The owner made this application in November in response to the legal demand.
- Subsequent to the owner making this application, staff informed the owner of the need to legally verify the height of the (new) dwelling on the property as per the Building Permit requirements (above). The legal survey (Figure Two) revealed that the principal dwelling meets the height regulations of the Bylaw (9.7 metres).
- Bylaw enforcement inspected the subject building and property on today's date. He found no evidence or sign that second floor was being inhabited or had been in the recent past. It appears that it is only being used for storage and the owner's personal use.

SITE CONTEXT:

The property is located at 37148 Schooner Way and is 0.38 hectares (0.93 ac) in size (Figure One - below). The size of the property is larger than typical surrounding properties. The property touches upon the northwest corner of the Capstan Lane Community Park with all other uses surrounding the subject being rural residential.

The current inventory of buildings on the property is as follows (see also: Figures Two – Site Survey Plan):

1. Single Family Dwelling
2. Accessory Building (subject of variance for height and number of storeys)
3. "Cabin" (storage [not inhabited] - not shown on Site Survey Plan)
4. Shed One (woodshed - not shown on Site Survey Plan)
5. Shed Two (storage - not shown on Site Survey Plan)
6. Shed Three (storage - not shown on Site Survey Plan)

Planning staff have not visited the site. Bylaw enforcement has visited the site on numerous occasions and most recently on today's date. (See: Photos below)

Figure One: Site Context

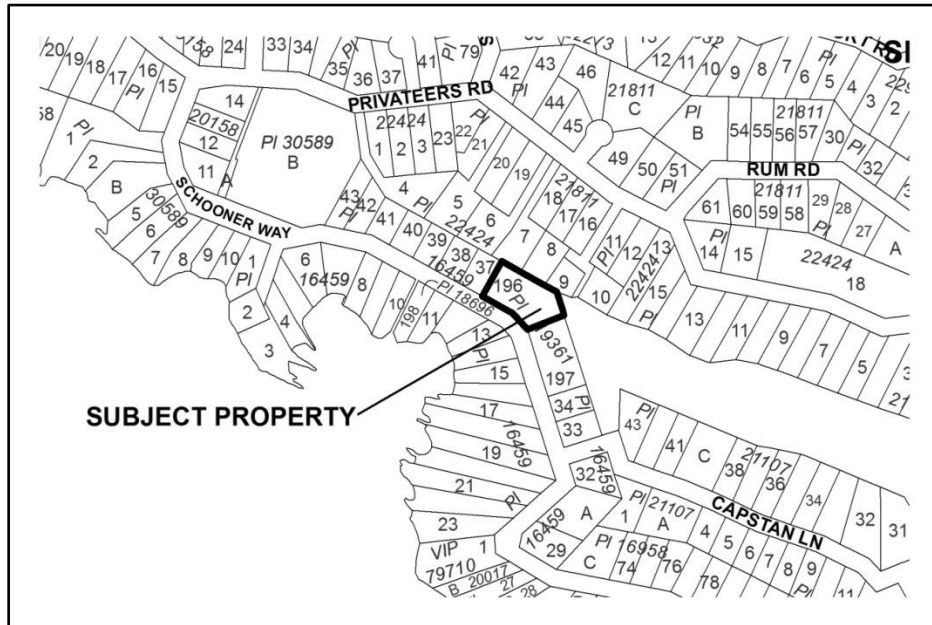


Figure Two: Site Survey Plan

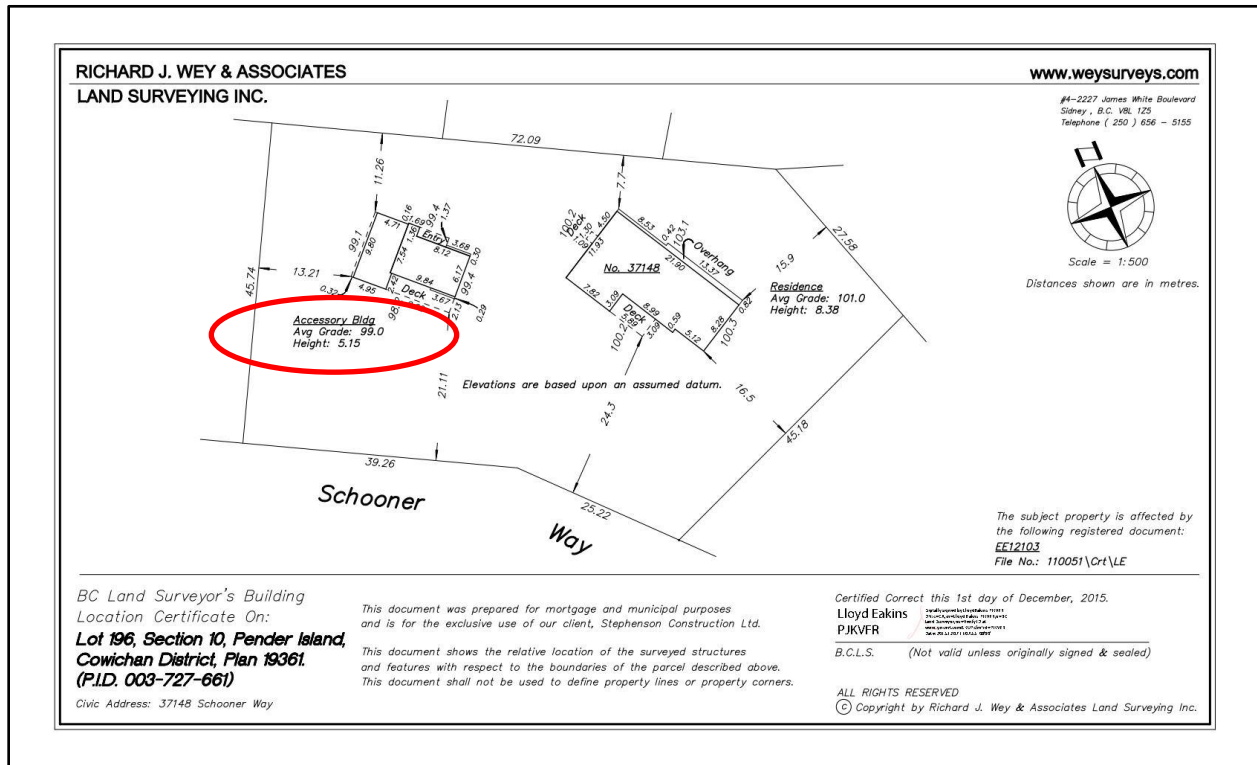




Photo One: Subject Accessory Building from South



Photo Two: Subject Accessory Building from East



Photo Three: Main Dwelling on Property



Photo Four: Main Dwelling on Property

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

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

Official Community Plan

The subject property is designated as **RR- Rural Residential** in the North Pender Island Official Community Plan Bylaw No. 171, 2007.

There are no development permit areas designated on the subject property.

Land Use Bylaw

The property is zoned **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996 (See: Figure Three – below).

Figure Three: Orthophoto with Zoning and Contours



Islands Trust Fund

There are no Trust Fund Board covenants or properties in proximity to the proposed subdivision.

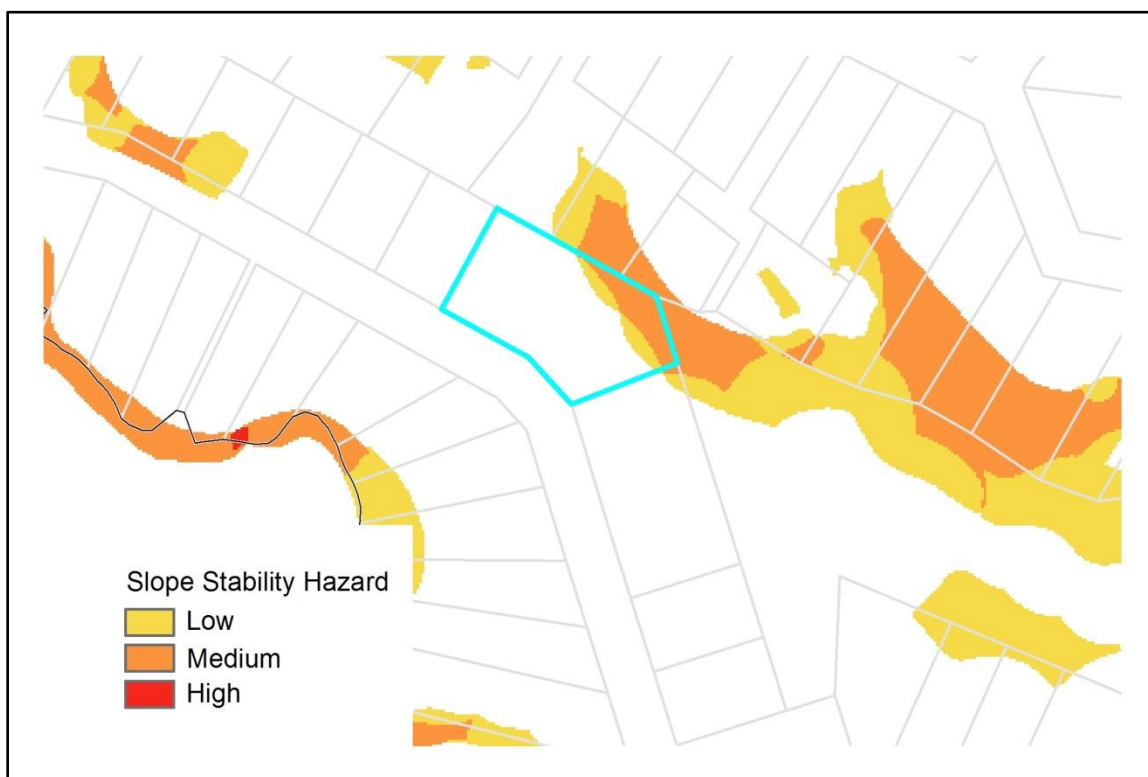
Regional Conservation Plan

The proposal does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.

Sensitive Ecosystems and Hazard Areas

There are no sensitive ecosystems recorded on the subject property. There are areas of low slope hazard and medium slope hazard on the subject property. (See: Figure Four: Slope Hazard and Contours). There is no new construction that is part of this application.

Figure Four: Slope Hazard



Archaeological Sites

There are no archaeological sites identified on the Provincial Remote Access to Archaeological Data (RAAD) database for the subject property.

Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Covenants

There are no LTC or other covenants or easements registered on title for the property.

Bylaw Enforcement:

This application is the result of an enforcement action (see: "Background" – above).

Climate Change Mitigation and Adaptation

The proposal is to bring an existing building into compliance and does not involve any new construction. Therefore, no impact on potential GHG emission changes will result. The elevation of the property mitigates the potential impacts on proposed development from anticipated or possible climate change induced hazards.

Shoreline

N/A

COMMUNITY INFORMATION MEETING(S):

There is no community information meeting associated with the development variance permit application.

RESULTS OF CIRCULATION:

Notices for the Variance were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on January 27, 2016. At the writing of this report, there have been no written submissions received. One telephone call was received from a person who was unwilling to make a written submission. The person expressed concerns about precedent setting; the perception that breaking of rules is rewarded with permissions (a variance); the potential future residential use of the building; the size and scale of the home occupation use; and, the number of buildings and cars on the property.

In addition, the permit was referred to the CRD Building Inspection Department as their interests are affected. At this date, no response has been received. Any submission from the CRD or additional public submissions will be forwarded to the LTC and presented at the North Pender Island Local Trust Committee meeting on January 28, 2016.

ISSUES SUMMARY:

Applicant's stated rationale for the variance.

The applicant's rationale for the variance is contained in the following excerpt from the application:

The reason a variance is required is because a complaint was made to Bylaw Enforcement. Bylaw Enforcement would not advise who made the complaint, or what the exact complaint was. The enforcement officer sent a letter which basically amounted to a fishing expedition stating a list of issues that included many that were not in existence, nor that could be confirmed.

Following communication with the bylaw officer, costly consultation with a lawyer, consultations with the Pender Island CRD Building Inspector, the Islands Trust Trustee for North Pender Island, and the Islands Trust Planner, it was concluded that a Development Variance Permit would be the solution to the North Pender Island Local Trust Committee solicitor's unreasonable compliance choices of:

1. Remove new house (value of approximately \$600,000), or
2. Remove the second storey of the original dwelling (now an accessory building), even though this building was built in 1972, with a second storey at that time, and has a final permit from CRD Building Inspection to convert to an accessory building.

See attached letter from Michael Moll, and response letter from Jean Deschenes.

Due to the fact that final permits were received for both buildings, one building has existed since 1972, and the second building was completed in 2012, it is not reasonable to expect that Jean Deschenes could have known that there was an issue with a land use bylaw.

Jean Deschenes has resided on Pender Island since 1986, and on the property in question since 1993, and has never had an issue or complaint expressed to her by any neighbours, or other residents of Pender Island.

The overall intent of the regulation being varied.

The overall purpose of size and siting regulations of residential buildings can be summarized as follows:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations

Potential impacts of granting the variance.

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Area of Home Business

A related issue is the area of the subject building being used for a home business. A DVP cannot vary use or density. 65 m² is the maximum combined area that can be used on a property for a home business and is established in subsection 3.5.2 of the LUB. The ground floor area of the subject accessory building is 109 m² which would exceed the limit by approximately 43 m² (if the whole area was, or is, to be used).

STAFF COMMENTS:

Most Reasonable Solution for Owner to Achieve Compliance

The application has been made in order to bring the property into compliance with the Land Use Bylaw. Of the three options that the owner has in order to achieve compliance, this is the most reasonable and cost effective. Removing the new house which triggered the non-compliance would not be reasonable, and structurally altering the height of the accessory building would involve a cost to the owner as well the Trust through further enforcement and potential litigation.

Building Permits

The applicants were issued a Building Permit in 2003 and Final Occupancy in 2012 for the subject building to be converted to an accessory building. Although it is the responsibility of the owner to ensure compliance with all bylaws and regulations, it would have been reasonable for the owner to assume that the building was legal. It was not until enforcement for the residential use of the building that the owner was made aware of the number of storeys and height contravention. Had the application been referred to the Islands Trust by the CRD, the issue of height and number of storeys would have been addressed through a variance application or altering the building. Since 2003, more comprehensive referral procedures have been developed and implemented with the CRD Building Inspection Department.

Home Occupation Regulations

By copy of this report, the owner is notified that the combined floor area of all home businesses on a property is 65 m², and that any contravention of that limit could be subject to further enforcement action. Further, the owner is informed that a DVP cannot vary use or density, and that any LTC approval of this variance for height and number of storeys should in no manner be regarded as approval for exceeding the combined floor area for home businesses.

Neighbour's concerns

The reason for the initial bylaw complaint for the subject property was the illegal residential occupancy of the building (use) not the height (siting). The notification process has not generated any letters from neighbours. The one phone call received did not express concerns about the height or number of storeys, rather about the past and potential use of the building, the scale of the home occupation and the state of the yard.

Given the foregoing, and particularly that the variance is a pathway to compliance for the owner, staff recommends that the development variance permit be issued.

RECOMMENDATIONS:

- 1. THAT Development Variance Permit NP-DVP-2015.7 (Deschenes) BE APPROVED**

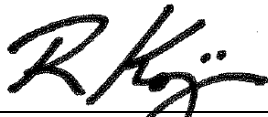
Prepared and Submitted by:



January 19, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

January 19, 2016

Date

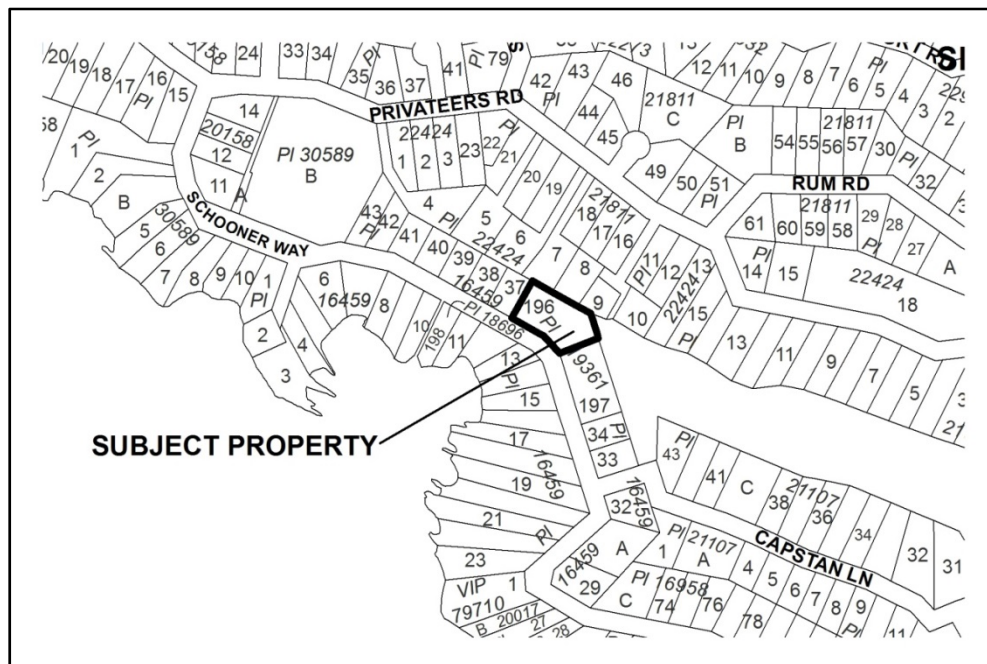
Attachments: Notice for NP-DVP-2015.7 (Deschenes)
Proposed Development Permit NP-DVP-2015.7 (Deschenes)

**NOTICE
NP-DVP-2015.7
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw No.103, 1996, by varying subsection 3.4.4 which states an accessory building or structure may not exceed 4.6 metres in height and one storey is varied to permit an existing accessory building with a height of 5.15 metres and two storeys.

The property is located at 37148 Schooner Way and is legally described as Lot 196, Section 10, Pender Island, Cowichan District, Plan 19361. PID: 003-727-661

The general location of the subject properties is shown on the following sketch.



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **January 15, 2016** and continuing up to and including **January 27, 2016**.

For the convenience of the public only, and not to satisfy Section 922(5) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island, B.C., commencing **January 15, 2016**. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Phil Testemale, A/Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **January 27, 2016**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **9:45 a.m., January 28, 2016**, at the Pender Island Community Hall on North Pender Island.

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



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2015.7

To: Jean Holly Deschenes

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

Lot 196, Section 10, Pender Island, Cowichan District, Plan 19361
(PID: 003-727-661)

2. North Pender Island Land Use Bylaw 103, 1996 is varied as follows:

Subsection 3.4.4 which states that an accessory building or structure may not exceed 4.6 metres in height and one storey is varied to permit an existing accessory building with a height of 5.15 metres and two storeys.

The development shall be consistent with Schedule 'A' which is attached to and forms part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approval of the Ministry of Transportation and Infrastructure.

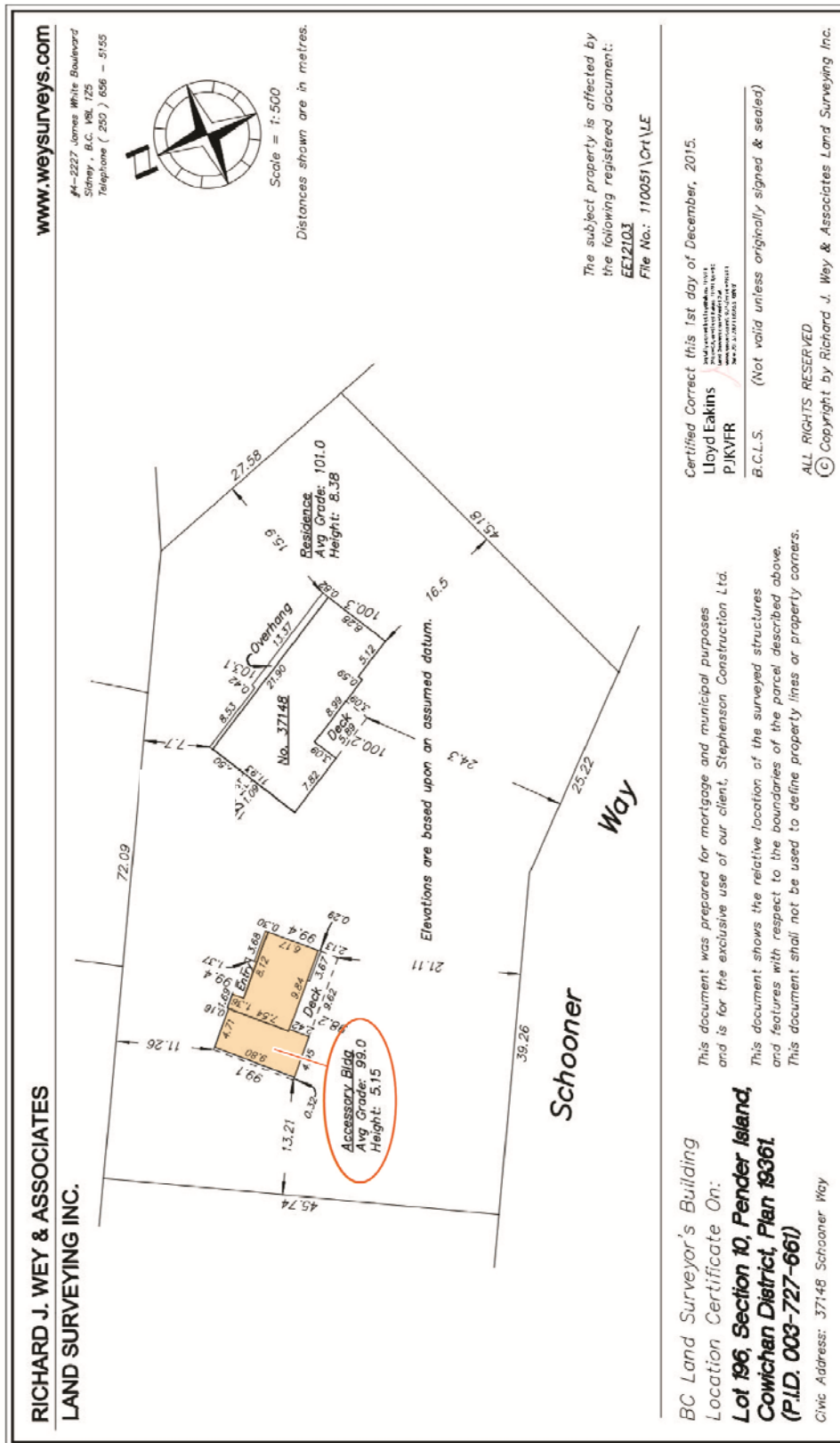
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS ##th DAY OF Month, 201#.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF Month, 201#, THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2015.7
SCHEDULE 'A'



STAFF REPORT

January 14, 2016

File NP-DP-2015.4
No.:

To: North Pender Island Local Trust Committee
For LTC Meeting: January 28, 2016

From: Phil Testemale A/Planner2

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

Re: Development Permit Application

Owner: Pierre and Heather Beauvais; Robert Beauvais
Applicant: Pierre Beauvais
Description: Lot 191, Section 8, Pender Island, Cowichan District, Plan19464
PID: PID: 003-726-002
Civic Address: 4721 Buccaneers Road, North Pender Island

THE PROPOSAL:

This report is to consider a Development Permit (DP) application.

The owners are proposing to undertake site preparation for a future dwelling on the subject property. The application is for measures for the protection of sensitive riparian habitat and construction management for the proposed land alteration that is within the **Development Permit Area (DPA) Ten - Riparian and Aquatic**.

The specific objective of the designation of the DPA is: *to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fishlife processes.*

A copy of the Development Permit Area Checklist for DPA 10 and the proposed Development Permit NP-DP-2015.4 (Beauvais) are attached.

BACKGROUND:

The owners purchased the property in early 2015 with a derelict trailer with an attached shed on it. The trailer and shed have been removed, and at this time the owner is applying to undertake site preparation for a future dwelling.

The shape of the property and the DPA designation across all but the narrow portion of the property substantially limits the developable area on the property (See: Figure Two – Site

Plan). In addition, a complex topography, specifically a bedrock knoll along the western boundary, provides a further (topographic) constraint to the buildable area of the property.

As part of the requirements for the DPA and the provincial *Riparian Areas Regulations*, a Riparian Areas Regulation (RAR) Assessment Report (dated: April 14, 2015) was prepared and submitted to the province by Kathy Reimer, R.P.Bio. Confirmation that the report complied with the Regulations was forwarded by the Provincial Ministry of Forests, Lands and Natural Resources Operations on August 12, 2015.

The assessment report established the SPEA (Streamside Protection and Enhancement Area) on the property and measures for the protection of the area for: *Danger Trees, Tree Protection, Encroachment, Sediment and Erosion Control, Stormwater Management, and Monitoring*. The report is attached in full.

The RAR Assessment contemplated establishing a building site for a future dwelling, however, blasting activity was not part of the owner's submission to the QEP at the time. When the owner made this application for a DP in the fall of 2015 (subsequent to the RAR process), the proposal included blasting an 8 m x 8m area x 2 m deep area of the knoll face/ridge to achieve a stable foundation wall area (See: Figure Two).

Upon staff reviewing the application and discussing it with Kathy Reimer, it was established that the extent of land alteration, particularly blasting a large volume of rock in close proximity to the SPEA, was not contemplated in the RAR Assessment report. Kathy Reimer recommended that a geotechnical engineer's report be prepared (See: Geotechnical Report - prepared by C. Jackson of CN Ryzuk Geotechnical, and dated November 20, 2015 - attached) with attention to the SPEA. Based on that report and further review of riparian regulations she provided additional recommendations to mitigate the potential impacts on the SPEA in a letter dated January 6, 2016 (attached).

The recommendations of revised RAR Assessment Report, the Geotechnical Report, and the addendum letter from Kathy Reimer have all been included as conditions in the proposed DP.

Staff conducted a site visit on Friday, October 16, 2015.

SITE CONTEXT:

The property is a 0.21 ha. (0.53 acres) in size with a panhandle shape located at 4721 Buccaneers Road on the north side of Magic Lake on North Pender Island (See: Figure One - Subject Property). The size and configuration of neighbouring properties and those in the general vicinity are of a similar size and all have residential use.

The property fronts onto Magic Lake which is a protected fish habitat and emergency water supply. The Development Permit Area (DPA) extends 30 metres back from the natural boundary of the lake, at which point the property narrows, which together with the side yard setbacks and topography, provides a very limited buildable area on the property outside of the DPA.

The property fringes a small knoll and the topography rises from the roadway in the east and then descends in a fan shape to Magic Lake (see: Figures Two and Three - below). The area outside of the SPEA is typically heavy rock (bedrock) substrate with little or shallow soil. Vegetation is limited to a few mature trees with grasses and shrubs (including invasive Scotch broom). Much of the area adjacent to the SPEA and below the knoll feature has been scraped of vegetation. (See: Photos - below).

Currently, there is an existing wooden staircase and deck, which provide access to the lake (See: Photo Three). These pre-date the establishment of the DPA and are therefore legally, non-conforming. There are no other structures on the property at this time.

Figure One: Site Context

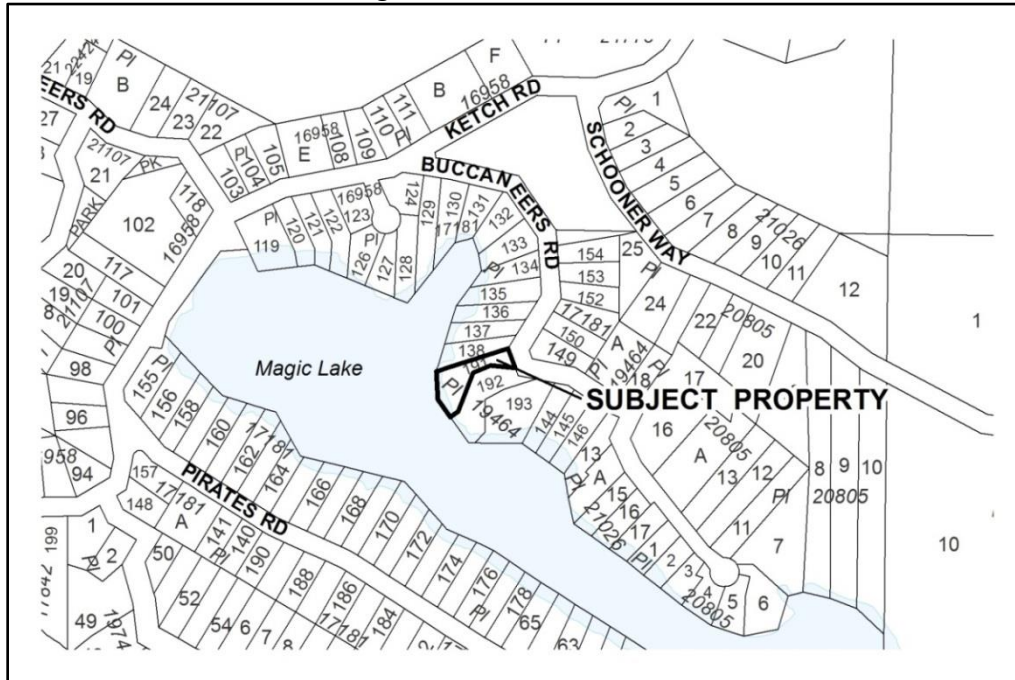


Figure Two: Site Plan

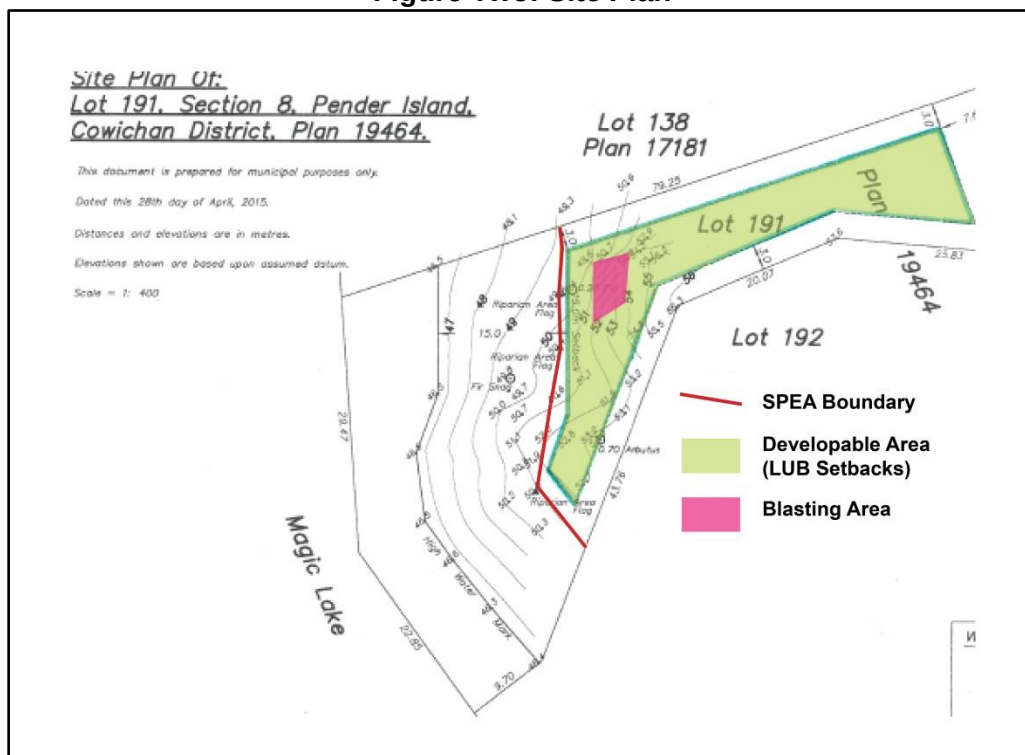


Figure Three: Orthophoto with Contours



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

- 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.
- 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.
- 3.3.2 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.

The proposal for site preparation in DPAs is consistent with the above policies.

Photos One and Two



Photos Three and Four

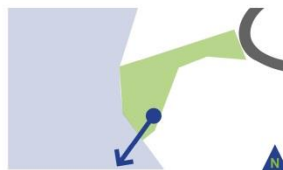
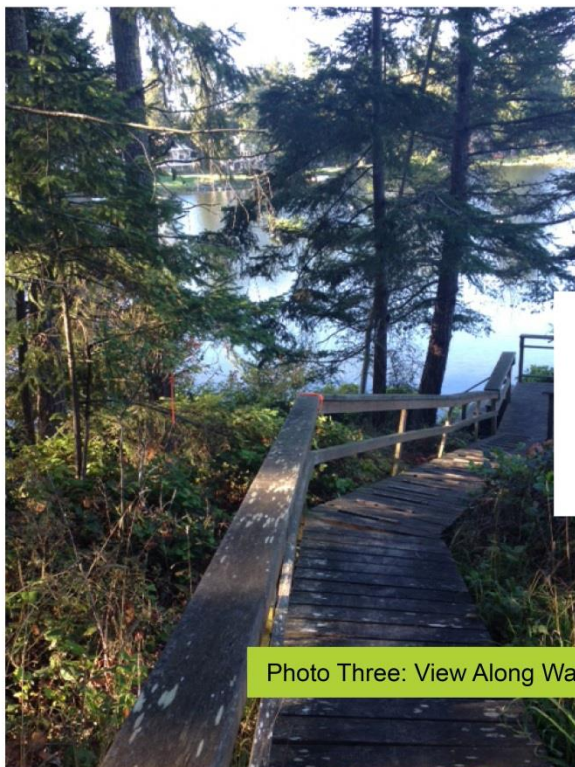


Photo Three: View Along Walkway to Magic Lake (East Lot Line)

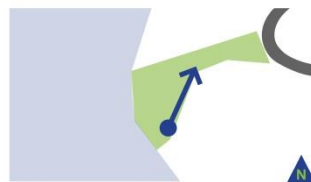


Photo Four: View North to Building Site (Cabin on Neighbouring Property)

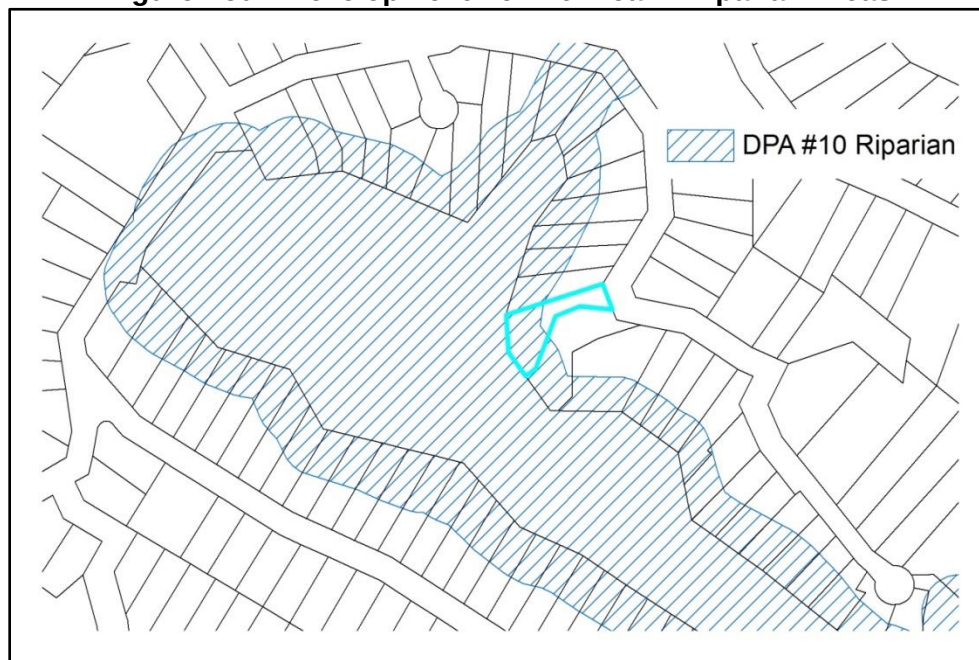
Official Community Plan

The subject property is designated as **Rural Residential (RR)** in the North Pender Island Official Community Plan Bylaw No. 108, 1995.

Development Permit Area 10 (DPA) – Riparian and Aquatic is designated on the property as shown in Figure Four (below). The objective of the DPA is to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

Analysis of the proposal's conformity to the objectives and guidelines of the DPAs is within "**DAI Checklist(s)**" (attached), "Issues Summary" and "Staff Comments" (below)

Figure Four: Development Permit Area 1- Riparian Areas



Land Use Bylaw

The property is zoned as **Rural Residential - RR** in the North Pender Island Land Use Bylaw No. 103, 1996.

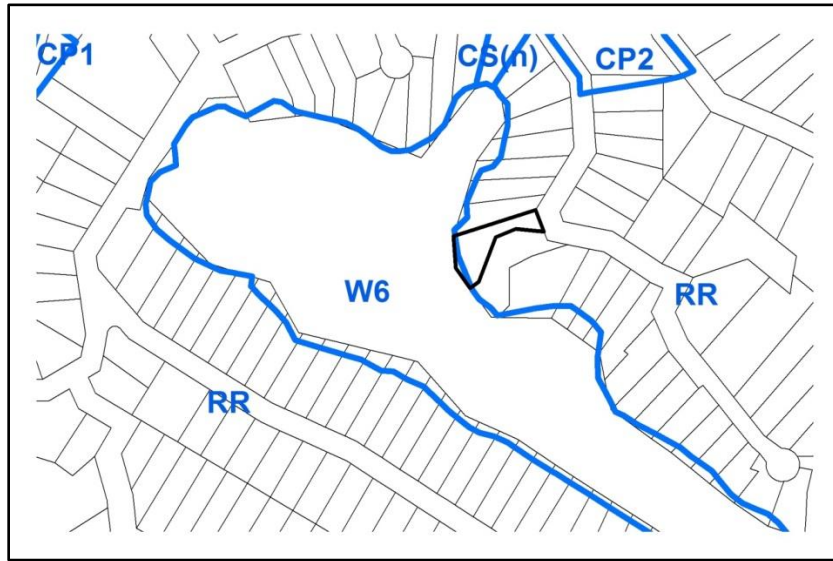
Islands Trust Fund

The application does not affect the interests of the Trust Fund Board.

Regional Conservation Plan

The proposal does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.

Figure Five – Zoning



Sensitive Ecosystems and Hazard Areas

The riparian habitat is the only identified sensitive ecosystem on the subject property. There are occurrences of low and medium slope hazard on the property (See: Figure Six - Slope Hazard). It is in this area that blasting is required in order to achieve a suitable and seismically stable building site that is outside the established SPEA.

Archaeological Sites

There are no archaeological sites listed on the Provincial RAAD database for the subject property.

Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Covenants

There are no covenants registered on the subject property.

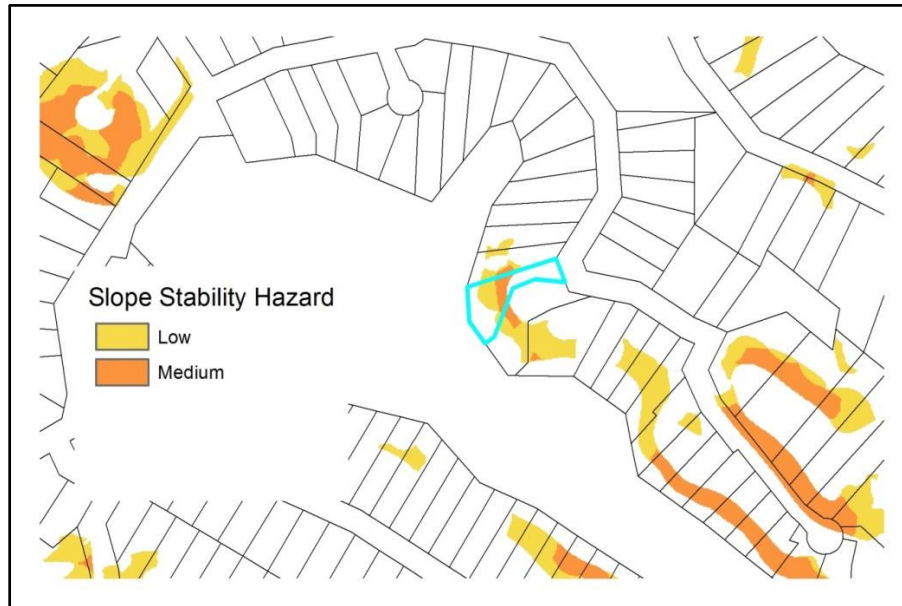
Bylaw Enforcement:

N/A

Climate Change Mitigation and Adaptation

As the proposed land alteration does not increase allowable development density on the property, the potential GHG emission changes resulting from approval are limited in scale. The potential impacts on proposed development from anticipated or possible climate change induced hazards are largely neutral owing to the location and elevation of the property.

Figure Six: Slope Hazard



Shoreline

N/A

COMMUNITY INFORMATION MEETING(S):

There is no community information meeting associated with the development permit application as they are not a requirement.

RESULTS OF CIRCULATION:

There is no notification requirement for the Development Permit.

ISSUES SUMMARY:

The extent of the development at this time will be limited to blasting in the specified area (See: Figure Two – Site Plan) as well as clearing and grading for a building site.

The applicant has described the proposed development as follows:

Site preparation for the purpose of a new dwelling.

Blasting is required on the top ridge to accommodate a proper foundation wall. Blast area is beyond the Riparian Area (SPEA) and within the regulated setbacks. No soil within the Riparian Area (SPEA) will be disturbed as a result of the site preparation.

Blast area is approx. 8m x 8m and will be cut at a depth of 2m.

As a requirement of provincial *Riparian Areas Regulations*, a RAR Assessment Report (dated: April 14, 2015) was prepared and submitted to the province by Kathy Reimer, R.P.Bio. The Provincial Ministry of Forests, Lands and Natural Resources Operations advised that it conforms to the Regulations on August 12, 2015.

Figure Seven: Biologist's Map of SPEA



STAFF COMMENTS:

The specific objective of the designation of the DPA is: *to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fishlife processes.*

The building site area is modest in size and the area of blasting is necessary for establishing a reasonable and seismically stable foundation for a new dwelling. The area does not directly abut the established SPEA boundary and adherence to the DP conditions should protect the riparian habitat on the property and the adjacent aquatic environment.

The measures recommended in the RAR Assessment Report, those from the Geotechnical Report related to protecting and maintaining the SPEA, and the recommendations made by Kathy Reimer in a letter dated January 6, 2016 have all been incorporated into the proposed DP. These have been delineated between conditions for the SPEA; conditions for the Non-SPEA DP Area; and monitoring.

Adherence to the conditions of the DP and monitoring will mitigate impacts from the proposed development to the riparian areas within the SPEA.

The completed Development Permit Area Checklist for DPA 1 is attached. The proposal meets the guidelines of the DPA.

Given the foregoing and attached information, staff is recommending that NP-DP-2015.4 be approved.

RECOMMENDATIONS:

1. **THAT** Development Permit NP-DP-2015.4 (Beauvais) **BE APPROVED.**

Prepared and Submitted by:



January 14, 2016

Phil Testemale
A/ Planner 2

Date

Concurred in by:



January 14, 2016

Robert Kojima
Regional Planning Manager

Date

Attachments: DAI Checklists: DPA 10
Proposed Development Permit NP-DP-2015.4
RAR Assessment Report
Geotechnical Report (prepared by C. Jackson of CN Ryzuk Geotechnical, and dated November 20, 2015 – attached as part of proposed NP-DP-2015.4)
Letter from Kathy Reimer, RP Bio, (dated Jan. 7, 2016)

Riparian and Aquatic DPA Checklist: NP-DP-2015 (Beauvais)

Guidelines	Comments
1. In general, all development in this DPA should be undertaken in a manner that minimizes impacts on the riparian area and on aquatic ecosystems, including from the application of pesticides and other chemicals for non-essential cosmetic purposes. Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and aquatic ecosystems, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and aquatic ecosystems, consistent with the measures and recommendations described in the report.	Riparian Areas Regulation (RAR) Assessment Report (dated: April 14, 2015) prepared by Kathy Reimer R.P.Bio Confirmed by FLNRO on August 12, 2015 to meet RAR Regs. Geotechnical Report with Geotechnical Report (prepared by C. Jackson of CN Ryzuk Geotechnical, and dated November 20, 2015) Letter from Kathy Reimer, RP Bio, dated Jan. 7, 2016 All recommendations of the foregoing to protect and maintain the SPEA, as well as for monitoring, have been incorporated into the proposed permit
2. The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP, and the owner should be required to implement a plan for protecting the SPEA over the long term through measures that may be implemented as conditions of the development permit.	As per Item 1. (above)
3. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.	As per Item 1. (above)
4. The following guidelines are applicable to floats and associated structures within the development permit area: i) floats should not be placed in areas identified as important to fish life processes where installation of a float	N/A

Guidelines	Comments
would compromise the functioning of the feature; ii) a ramp or float should not rest on the bed of the water body; iii) the use of treated wood in the waterbody should be avoided; iv) floatation material should be contained within a durable shell to prevent disintegration; v) semi-transparent surfacing should be used on ramps and floats (e.g. grating or separated boards); vi) any areas disturbed during installation should be restored; vii) where a float is being replaced, all old materials should be removed.	
5. If the nature of the proposed project in a riparian assessment area or the surface of a waterbody changes after the QEP report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the LTC may require the applicant to have the QEP update the assessment at the applicant's expense and DP conditions may be revised accordingly.	N/A
6. The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of the SPEA or aquatic ecosystem in compliance with recommendations of a QEP report.	N/A



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2015.4**

To: Pierre Beauvais

1. This Development Permit (the "Permit") applies the land described below and all buildings, structures and other developments therein:

Lot 191, Section 8, Pender Island, Cowichan District, Plan 19464
PID: 003-726-002

2. This Development Permit No. NP-DP-2015.4 authorizes the site preparation ("land alteration") including vegetation removal, grading and blasting, within Development Permit Area ("DPA") 10 – Riparian and Aquatic Development Permit Area, subject to the following requirements and conditions:

Streamside Protection and Enhancement Area (SPEA)

- a. No land alteration may occur within the SPEA delineated on Schedules 'A' and 'B' attached to and forming part of this permit, with the exception of trimming or removal of trees that are certified in writing by a qualified arborist to be dangerous, and such written certification shall be submitted to the Island Trust prior to any tree removal or trimming. The roots should be left and the soil undisturbed.
- b. Any dead trees ("snags") shall be left in the SPEA to provide habitat.
- c. The SPEA boundary as determined by the 'Site Plan' survey prepared by Wey Mayenburg Land Surveying Inc., and dated April 28th, 2015 (Schedule "A") is to be delineated on the ground with riparian flagging and highly visible construction fencing along the entire SPEA boundary.
- d. All contractors and construction personnel are to be notified of the SPEA location and the conditions of this Development Permit.
- e. There must be no encroachment into the SPEA by heavy equipment or machinery.
- f. There must be no deposition into the SPEA of any materials from the construction process such as rock, soil or vegetation.
- g. During the site preparation process, measures in the form of silt barriers installed under direction of the monitoring Qualified Environmental Professional (QEP) must be in place to ensure that no silty runoff enters the SPEA and/or lake.

Non-SPEA DP Area

- h. Blasting shall only occur within the area labelled "Blasting Area" shown on Schedule 'A' attached to and forming part of this permit.
- i. Land clearing and blasting should not take place during periods of prolonged, heavy rainfall.
- j. Clearing activities within one (1) metre of the SPEA Boundary shall only occur under the direction of the monitoring QEP.
- k. Native shrubs within one (1) metre of the SPEA Boundary to be protected are to be clearly marked with flagging or temporary fencing.

- l. Only hand clearing of vegetation is permitted within one (1) metre of the SPEA boundary.
- m. All work is to be consistent with geotechnical report prepared by Andrew Jackson, P.Geo. of Ryzuk Geotechnical, and dated November 20, 2015 (Schedule "C"). Specifically:
 - i. All storm water drainage and rain water collection from the construction site and any future dwelling or accessory buildings must be directed away from the SPEA toward the Buccaneers Road (the "road")
 - ii. Blasting shall include cutting a trench towards the road.
 - iii. All collected hard surface water (roofs, perimeter, patios, etc.) is to be directed via a solid wall pipe network toward the road.

Monitoring

- n. The monitoring QEP shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.
3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 4. This Permit does not remove any obligation on the Permittee to obtain other approvals or obligations necessary for the lawful completion of the proposed development.
 5. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 6. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw unless varied by this Permit.

This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

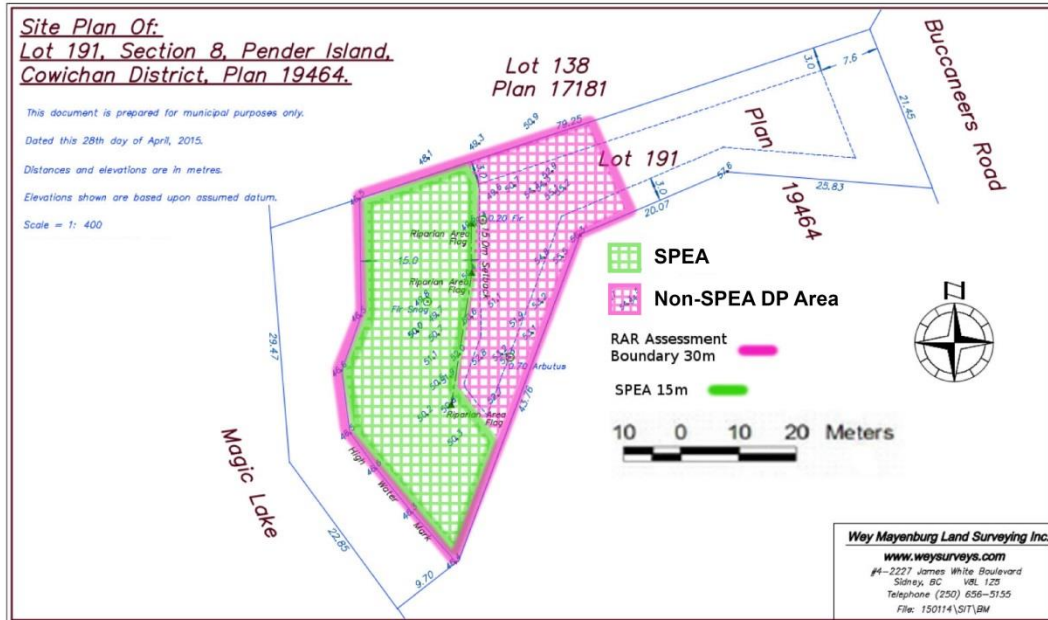
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, THIS rd DAY OF , 2016.

Deputy Secretary, Islands Trust

_____, 2016
Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, 201# THIS PERMIT AUTOMATICALLY LAPSES.

**NORTH PEDNERISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2015.4
Schedule "B"**



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2015.4
Schedule "C"**



RYZUK GEOTECHNICAL
ENGINEERING & MATERIALS TESTING

28 Crease Avenue
Victoria, B.C.
V8Z 1S3
Tel: 250-475-3131
Fax: 250-475-3611
mail@ryzuk.com

E-mail / Fax Memo

Project No: 7579-1

Project: Proposed Blasting Review - 4721 Buccaneers Road - Pender Island, BC

Client: Pierre Beauvais

Contact: As above

Email / Fax No: pybs@shaw.ca

Date: November 20, 2015

Copy to:

☒ Kathy Reimer, R.P.Bio.
☐
☐

Email / Fax:

saimonkathy@gmail.com

Copy to:

☐
☐
☐

Email / Fax:

As requested, we visited the above referenced site on November 17, 2015, to review the location of the proposed blasting to achieve the design grade for a proposed residence. We also took the opportunity to review the stability conditions at the site in anticipation of potential geotechnical review requirements for the CRD building department. Our associated observations, comments, and recommendations are contained herein. Our work has been carried out in accordance with, and is subject to, the attached Terms of Engagement.

At the time of our visit we noted that the proposed building site had been generally cleared of vegetation and organic soils and the surface conditions within the area consisted of an intermittent veneer of shotrock as well as local pockets of dense silty sand over shallow sandstone bedrock. The site includes gentle to moderate slopes/undulations and a steep rock bluff in the order of 3.5 m high within the western area, being close to the 15 m SPEA setback from Magic Lake. The sandstone bedrock was noted to be massive to variably fractured, with bedding planes dipping to the south at around 35 degrees from horizontal.

We understand that the proposed residence would be located near the crest of the rock bluff and that a blast cut of approximately 1.2 m is proposed along the slope crest area to generally improve the stability of the foundations and create a level building site within this area. The RAR prepared by Ms. Kathy Reimer R.P. Bio. recommends that all storm water drainage be directed to Buccaneers Road and not towards the SPEA.

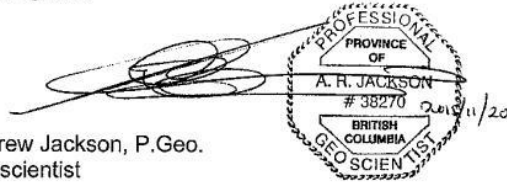
Given the site constraints and the inferred desired construction (as we have not had the opportunity to review building plan details as of yet), we consider that blasting would be a viable option to improve the site stability and create a level building area. To maintain conformance with the RAR we expect that the blasting would also include cutting of a trench towards the road such that all collected hard surface water (roofs/patios etc.) would be diverted via a solid wall pipe network to the road. As the foundations would likely be cast atop the bedrock along the low side of the building we expect that the foundation drainage within the lower sections could consist of intermittent weep holes through the foundation wall to allow any ground water seepage to pass through. We do not expect significant flow to be generated by such seepage, and as such, no increase or concentration in storm water load would reach the lake.

The above does not constitute approval to proceed with the noted work if the work is perceived to be an extra to the Contract. Such can only be authorized by the Contract Manager.

Given the indicated 1.2 m blast cut at the slope crest, we recommend that the footings be located behind/beyond a 45 degree projection extending up from the toe of the rock bluff. In addition, the construction should include pins to secure the foundations to the clean intact/fractured in-place bedrock surface. The exact pin locations and specifications should be determined by a qualified geotechnical professional at the time of construction based on the exposed rock conditions and proposed foundation arrangement. Provided that the foundations are installed under geotechnical supervision we consider that the site could be safely used for the use intended based on a design seismic occurrence with a 2% probability of exceedance in 50 years, pursuant to Section 56 of the Community Charter.

We trust that the preceding is suitable for your current requirements. Please call if you have questions.

Kind regards,



Andrew Jackson, P. Geo.
Geoscientist

Attached - Terms of Engagement

RYZUK GEOTECHNICAL

The above does not constitute approval to proceed with the noted work if the work is perceived to be an extra to the Contract. Such can only be authorized by the Contract Manager.



Riparian Areas Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date April 14, 2015

I. Primary QEP Information

First Name	Kathleen	Middle Name	Elaine
Last Name	Reimer		
Designation	RPBio	Company	Island Stream and Salmon Enhancement Society
Registration #	1728	Email	salmonkathy@gmail.com
Address	Box 289		
City	Salt Spring Island	Postal/Zip	V8K2V9
Prov/state	BC	Country	Canada
		Phone #	250-537-7580

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	
		Phone #	

III. Developer Information

First Name	Pierre	Middle Name	
Last Name	Beauvais		
Company			
Phone #	250-661-5006	Email	pybs@shaw.ca
Address	729 Paskin Way		
City	Victoria	Postal/Zip	V8Z6N4
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	construction		
Area of Development (ha)	.08	Riparian Length (m)	51m
Lot Area (ha)	.204	Nature of Development	new
Proposed Start Date	2015	Proposed End Date	2016

V. Location of Proposed Development

Street Address (or nearest town)	4721 Buccaneers Road		
Local Government	Islands Trust	City:	Pender Island
Stream Name	Magic Lake		
Legal Description (PID)	003-726-002 lot 191, plan 19464 Section 8, Pender Island Cowichan District	Region:	Capital Regional District
Stream/River Type	Lake	DFO Area	18.3
Watershed Code	925-258000-15500		
Latitude	48	45	49
Longitude	123	17	13

Table of Contents for Assessment Report

	Page Number
1. Description of Fisheries Resources Values	3
2. Site Plan maps showing proposed construction site.....	4-5
3. Results of Riparian Assessment (SPEA width)	6-7
4. Zones of Sensitivity Calculation.....	8-9
5. Measures to Protect and Maintain the SPEA	
1. Danger Trees.....	10,11
2. Windthrow.....	
3. Slope Stability.....	
4. Protection of Trees.....	
5. Encroachment	
6. Sediment and Erosion Control.....	
7. Floodplain.....	
8. Stormwater Management.....	
6. Environmental Monitoring	12
7. Photos and additional maps.....	13- 21
8. Assessment Report Professional Opinion	22

Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

Magic Lake, also known as Pender Lake, is a man-made reservoir with a dam and it was originally constructed as a water supply for the subdivision around it. Over the years, it has been restocked along with another nearby reservoir, Buck Lake, with rainbow trout from the Vancouver Island trout hatchery. The trout spawn along the beach just upstream from the dam outlet. There is a cement weir at the exit of the lake and at the time of this survey, the lake level was at bankfull height (photographs 1, 2).

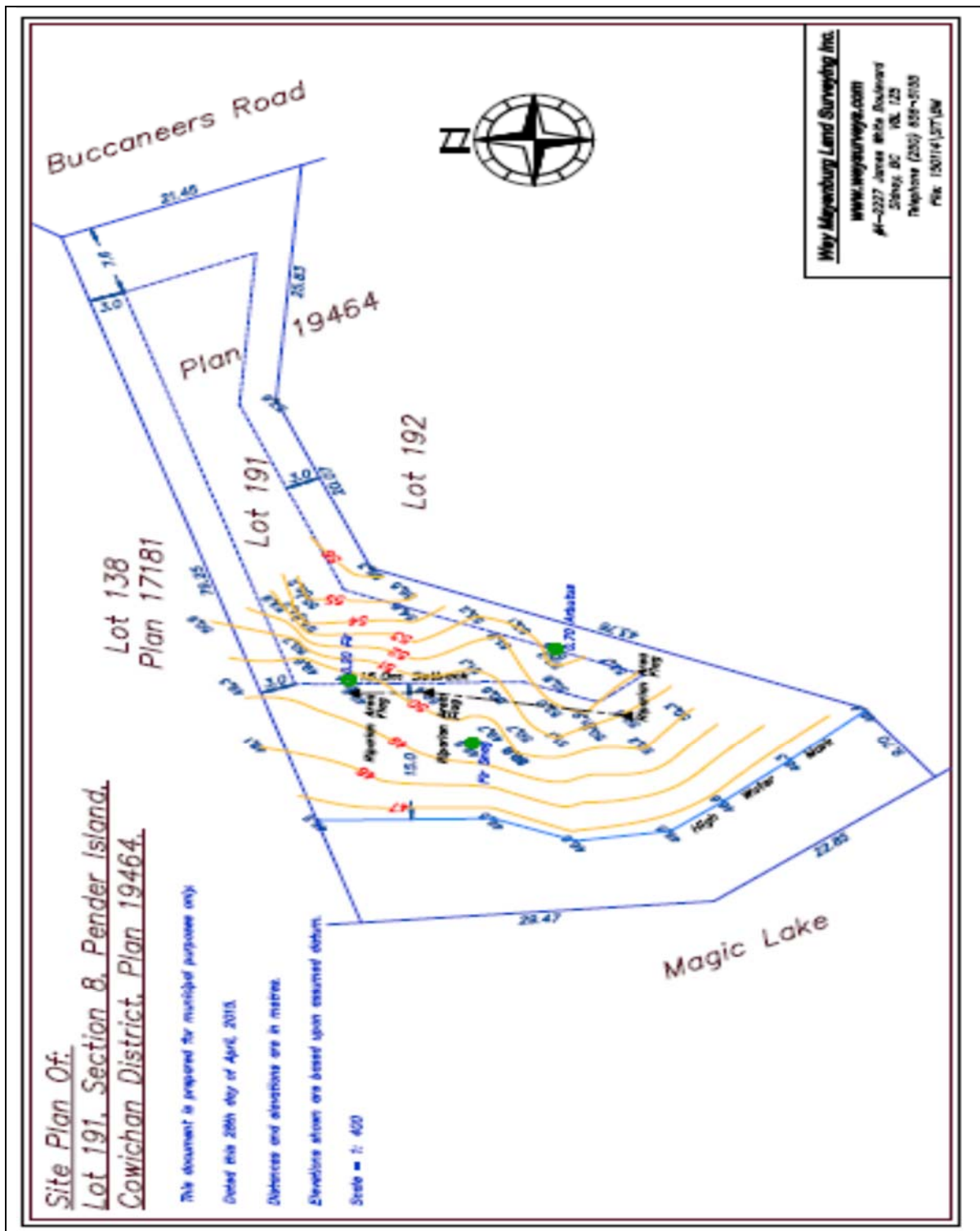
The lake now serves as fish habitat and an alternate or emergency water supply for the community.

All the lots along the reservoir are serviced by a sewer system. The main problem affecting the water quality in the lake is excessive algae blooms caused by nutrients from the surrounding residential development entering the lake. Protecting the riparian areas from land clearing will help to prevent the release of nutrients from the soil around the lake.

The new property owner plans to construct a new single cottage on the lot. The old residence was a trailer with a shed attached and it is now completely derelict and will be removed.

There is an existing wooden staircase and a small deck that provides access to the lake.

The vegetation within the SPEA is mainly salal. There are several small alder and Douglas fir trees, a willow tree and some Ocean Spray. There are several Scotch Broom plants that should be removed.

Map 1. Site plan showing contours, high water mark

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: April 14, 2015

Description of Water bodies involved (number, type)

One Lake

Stream

Wetland

Lake

Ditch

Number of reaches

1

Reach #

1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)	Gradient (%)
starting point		
upstream		
downstream		
Total: minus high /low mean		
	R/P	C/P S/P
Channel Type		

I, (name of qualified environmental professional) certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer of developer ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report;

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Site Potential Vegetation Type (SPVT)

	Yes	No
SPVT Polygons		X

Tick yes only if multiple polygons, if No then fill in one set of SPVT data

I, Kathleen Reimer, RPBIOLOGIST, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Pierre Beauvais ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No:

LC SH TR

SPVT Type x

Method employed if other than TR

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No: **1** If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m)	15				
Litter fall and insect drop ZOS (m)	15				
Shade ZOS (m) max	n/a	South bank		No	X

Ditch Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)

Ditch Fish Bearing Yes No If non-fish bearing insert no fish bearing status report

SPEA maximum 15 (For ditch use table 3-7)

I, Kathleen Reimer RPB, biologist hereby certify that:

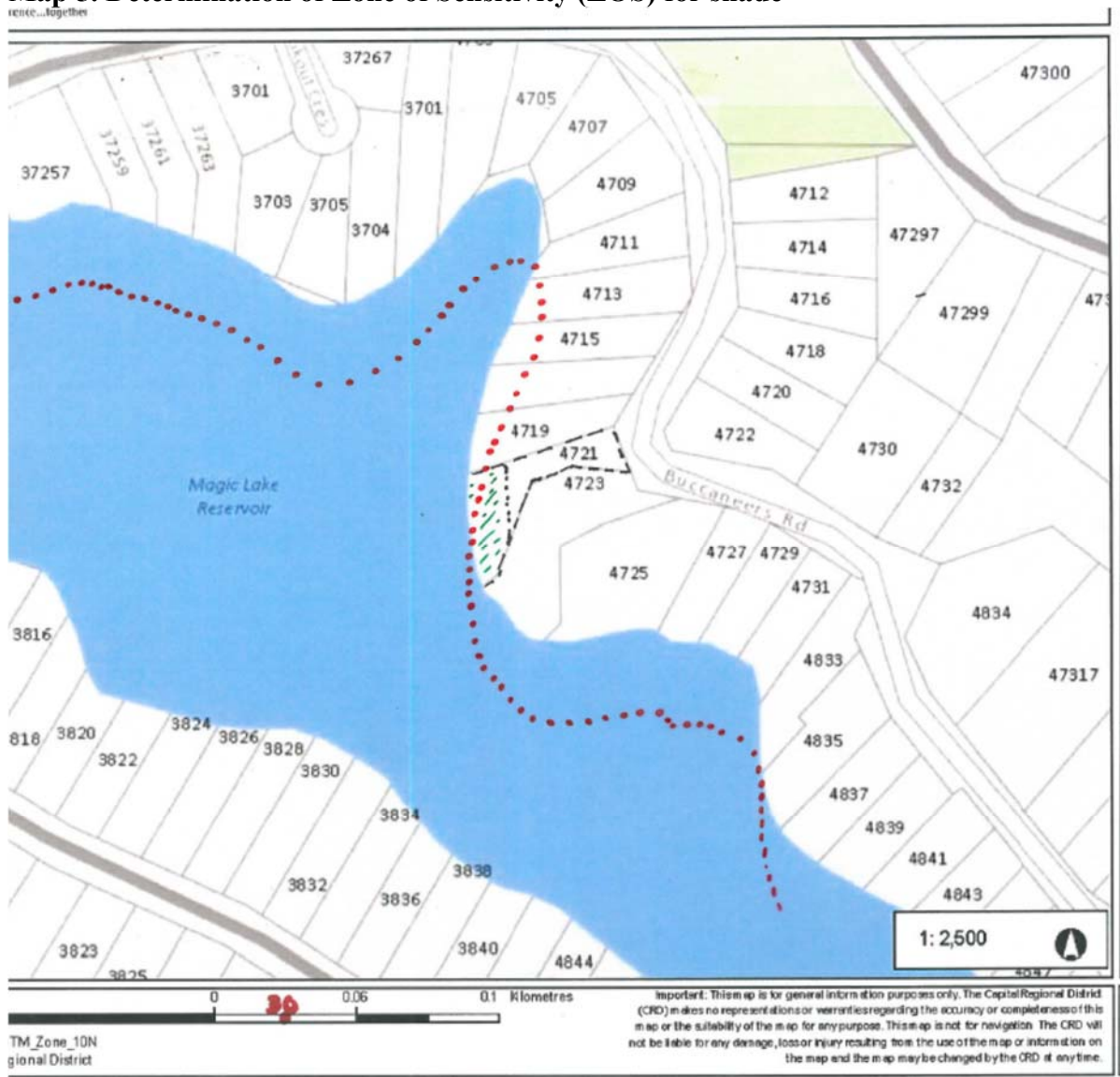
- I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- I am qualified to carry out this part of the assessment of the development proposal made by the developer Pierre Beauvais
- I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report
- In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule 1 of the Riparian Areas Regulation.

Comments

The property is on the North side of the lake-the ZOS for shade is only on the S/W corner of the lot

Calculation of Zones of Sensitivity (ZOS)

SPVT Type	LWD, bank stability	Litter, Insect drop	Shade (30m on south side of lake)	SPEA
Trees	15m	15m	Small area on N/W corner of lot	15m
			See Map 5.	
			The property is on the north side of the lake	

Map 5. Determination of Zone of Sensitivity (ZOS) for shade

From the CRD Natural areas atlas

● ● ● Shade ZOS

----- SPEA area

Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF before inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	Any trees within the SPEA that are certified to be dangerous by a qualified arborist, can be trimmed but the roots should be left so the soil is not disturbed. Any dead trees should be left in the SPEA for habitat purposes.
I, <u>Kathleen Reimer RPB</u> biologist hereby certify that: g) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; h) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Pierre Beauvais</u>; i) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	There are no windthrow issues since the site has been developed for many years and there are no larger trees within the SPEA
I, <u>Kathleen Reimer RPB</u> biologist, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Pierre Beauvais</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
3. Slope Stability	The substrate at the site is sandstone bedrock, so there are no slope stability issues (See Map 5).
I, <u>Kathleen Reimer RPB</u> biologist, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Pierre Beauvais</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
4. Protection of Trees	There are no trees within the SPEA that could be damaged by the cottage construction. The QEP should meet with the developer before the site is cleared to ensure that any roots of the native shrubs along the SPEA boundary are not damaged. The plants that may be impacted must be clearly marked and there must only be hand clearing rather than machine work directly along the SPEA boundary
I, <u>Kathleen Reimer RPB</u> biologist, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Pierre Beauvais</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
5. Encroachment	The SPEA boundary as determined by the BC Land Surveyor must be clearly marked with Riparian flagging so there is no disturbance to the area during the cottage construction. There must be no encroachment into the SPEA by heavy equipment during the construction process. There must be no deposition into the SPEA of materials such as rock, soil or vegetation from the building site.

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

I, <u>Kathleen Reimer, RPBiologist</u> , hereby certify that: a. I am a <u>qualified</u> environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Pierre Beauvais</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
6. Sediment and Erosion Control	During the construction, care must be taken to prevent any silty runoff from entering the SPEA and the lake. This should not be an issue at this lot since the building site has rock substrate and the area will drain toward Bucanneers Road.
I, <u>Kathleen Reimer RPBiologist</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Pierre Beauvais</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
7. Stormwater Management	Drainage from the construction site and the cottage roof must be directed away from the lake toward the driveway, where it is at the present time. There must be no storm water flow directed into the SPEA
I, <u>Kathleen Reimer, RPBiologist</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Pierre Beauvais</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
8. Floodplain Concerns (highly mobile channel)	There are no floodplain concerns at this site
I, <u>Kathleen Reimer RPBiologist</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Pierre Beauvais</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

There must be a predevelopment onsite visit with the QEP. At this time any shrubs that could be impacted by clearing near the SPEA boundary must be identified and marked with riparian tape, so that the roots are protected. A drainage plan must be in place that ensures no sediment will enter the lake from the construction site and the QEP will determine if a silt fence is necessary.

Because there is to be no disturbance within the SPEA, continuous monitoring of the new construction by a Riparian Areas QEP will not be necessary unless requested by the Islands Trust.

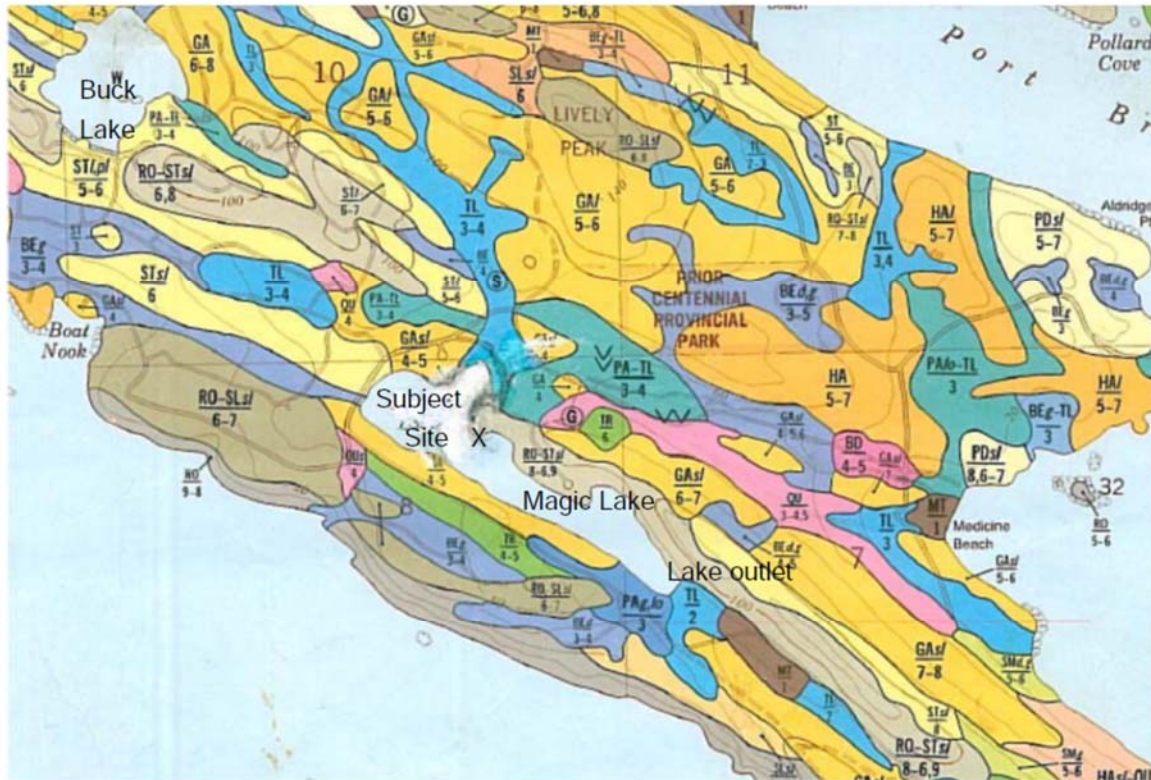
As part of the new cottage construction process, the CRD Building Inspector may require a site visit once the old residence has been removed and the building site prepared.

There also must be a post development report for the Islands Trust to ensure that all the recommendations of the Development Permit and RAR report have been followed.

Section 6. Maps and Photos

Map 5. Soils map Showing Subject site and Bedrock substrate

Pender Island Soils Map



RO-SL	Rock-Salalakim	Conglomerate bedrock exposed or covered by moss or mineral soil less than 10 cm thick (Rock, 50-65%)		Gravelly sandy loam colluvial and glacial drift materials less than 100 cm deep over conglomerate bedrock. (Salalakim soil, 35-50%)	Well to rapid
RO-ST	Rock-Saturna	Sandstone bedrock exposed or covered by moss or mineral soil less than 10 cm thick (Rock, 50-65%)		Channery sandy loam colluvial and glacial drift materials less than 100 cm deep over sandstone bedrock (Saturna soil, 35-50%)	Well
SL	Salalakim	Gravelly sandy loam colluvial and glacial drift materials less than 100 cm deep over conglomerate bedrock (Salalakim soil, 75-100%)	Well to rapid	Conglomerate bedrock exposed or covered by moss or mineral soil less than 10 cm thick (Rock, 0-25%)	
SM	St. Mary	Sandy loam to loamy sand marine or fluvial deposits (30-70 cm thick) over 15-50 cm of loam to silty clay loam marine deposits underlain by compact, unweathered till within 100 cm (St. Mary soil, 75-100%)	Imperfect	Loam to silty clay loam marine deposits less than 100 cm deep over compact, unweathered till (0-25%)	Imperfect
ST	Saturna	Channery sandy loam colluvial and glacial drift materials less than 100 cm deep over sandstone bedrock (Saturna soil, 75-100%)	Well	Sandstone bedrock exposed or covered by moss or mineral soil less than 10 cm thick (Rock, 0-25%)	

Section 6. Photos

Photograph 1, CRD Natural Areas Atlas aerial photo showing the general area



Photograph 2. CRD Atlas close-up showing subject site



Photograph 3. The outlet of Magic Lake—cement weir sets the high water level



Photograph 4. The swimming area near the lake outlet



Photograph 5. The swampy area below the outlet of the lake



Photograph 6. The existing residence-a trailer with an attached shed



Photograph 7. The existing stairway to the lake, showing the SPEA vegetation



Photograph 8. View of SPEA (15 m from High Water Mark) from building site



Photograph 9. SPEA vegetation, mainly salal, native blackberries,,small alder, broom plants



Photograph 10. View across the lake from building site



Photograph 11. Close-up of SPEA vegetation near the lake-shows salal and a willow tree in the background.



Photograph 12. Near the N/W property line the approximate SPEA boundary is marked with red ribbon



Photograph 13. July 2015, shows vegetation along the SPEA boundary, near walkway



Photograph 14. July 2015. Along the SPEA boundary, middle of the lot



Section 7. Professional Opinion**Assessment Report Professional Opinion on the Development Proposal's riparian area.**Date August 1, 20151. I, Kathleen Reimer
RPBiologistPlease list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am qualified to carry out the assessment of the proposal made by the developer Pierre Beauvais, which proposal is described in section 3 of this Assessment Report (the "development proposal"),
- c) I have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As qualified environmental professional(s), I hereby provide my professional opinion that:

- a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

- b) ☒ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

[NOTE: "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise.

Submission Instructions

Riparian Areas Regulation – Qualified Environmental Professional – Assessment Report RAR-QEP-AR

Forms you will need to complete are

- Form 1 which has the database information, the description of the fisheries resources, development site plan, measures to protect and maintain the SPEA, and environmental monitoring.
- Form 2, if more QEPs are part of the project team.
- Either Form 3 the detailed assessment form(s) or Form 4 simple assessment form(s) which is for the results of the riparian assessment (SPEA width). Use enough copies of the form to complete the assessment of the site.
- Form 5 is the photo form(s). Duplicate for additional photos.

NB: See the Guidelines and the Assessment Methods for detailed instructions on the information required for completing the Assessment Report.

A complete Riparian Assessment Report based on the template forms must be converted to a *single* Portable Document Format PDF file prior to uploading onto the Notification System.

The Assessment Report must be complete, by submitting the information specified, and posted to provide notification to the local government, Ministry of Water, Land and Air Protection and the Department of Fisheries and Oceans Canada.

Tips for working with MS Word Template Forms**Using the forms**

- Before beginning, print a hard copy of the form and the guidance files for reference
- Open the template
- Enter data into the shaded fields on the form
- Use TAB to move from one field to another; SHIFT-TAB to go in reverse
- Text and digital photos may be inserted from other applications
- The amount of text that can be entered in each box is limited and cannot be changed by the user; boxes with date information, for example, require input like: yyyy-mm-dd.

Saving the completed form

- Assign name to the completed form
- Save a word document (*.doc file)
- Do not overwrite the Template (*.dot file) with your completed form
- If you do overwrite the template, you can download a new copy from this web site



Kathleen Reimer MSc., RPBiologist
Island Stream and Salmon Enhancement Society
Box 289, Ganges P.O.
Salt Spring Island, B.C. V8K 2V9

Jan. 7, 2016

email : salmonkathy@gmail.com

Attn: Trust Planners

Regarding DPA application 4721 Buccaneers Road, North Pender Island

In May 2015 I completed a Riparian Areas Regulation assessment report on the property at 4721 Buccaneers Road, North Pender Island. The SPEA boundary was determined to be 15 meters from the HWM. The proposed building site is approximately 30 meters from the high water mark of Magic Lake (Maps 1,2). There has been clearing up to the SPEA boundary since I completed the report (Photograph 1).

The property owner is planning to remove rock (by blasting and excavating) to a depth of 1.2 meters in order to prepare the new building site. The elevation (above chart datum) of the building site is approximately 54 meters. The SPEA boundary elevation varies between 50 and 51m (Map 3).

I have reviewed the engineering report by Ryzuk Geotechnical (2015) in order to determine if the building site preparation, including the proposed blasting, could have a negative impact on the Riparian Protected area (SPEA).

The Geotechnical engineer concluded that if 1.2 meters of rock were excavated, there should be no negative impact on the drainage toward the SPEA. He also recommended that the storm water from the building be directed toward Buccaneer road.

Excerpts from the geotechnical engineer's letter:

We understand that the proposed residence would be located near the crest of the rock bluff and that a blast cut of approximately 1.2 m is proposed along the slope crest area to generally improve the stability of the foundations and create a level building site within this area. The RAR prepared by Ms. Kathy Reimer R.P. Bio. recommends that all storm water drainage be directed to Buccaneers Road and not towards the SPEA.

Given the site constraints and the inferred desired construction (as we have not had the opportunity to review building plan details as of yet), we consider that blasting would be a viable option to improve the site stability and create a level building area. To maintain conformance with the RAR we expect that the blasting would also include cutting of a trench towards the road such that all collected hard surface water (roofs/patios etc.) would be diverted via a solid wall pipe network to the road. As the foundations would likely be cast atop the bedrock along the low side of the building we expect that the foundation drainage within the lower sections could consist of intermittent weep holes through the foundation wall to allow any ground water seepage to pass through. We do not expect significant flow to be generated by such seepage, and as such, no increase or concentration in storm water load would reach the lake.

It is my opinion that if the following conditions for the building site preparation are met, there would be no negative impact on the protected riparian area.

1. All conditions of the Ryzuk geotechnical report must be followed, and the final work approved by the engineer.
2. The SPEA boundary as determined by the BC Land Surveyor must be clearly marked with Riparian flagging across the entire property.
3. A highly visible construction fence is placed along the boundary to prevent disturbance to the SPEA area during the construction process.
4. There must be no encroachment into the SPEA by heavy equipment during the construction process.
5. There must be no deposition into the SPEA of materials such as rock, soil or vegetation from the building site.
6. There should be no change to the drainage pattern or the stability of the slope immediately adjacent to the SPEA without the approval of a registered engineer.
7. The Islands Trust should request a completion report after the work is done to ensure that the DPA conditions have been met.

Please let me know if you need more information.

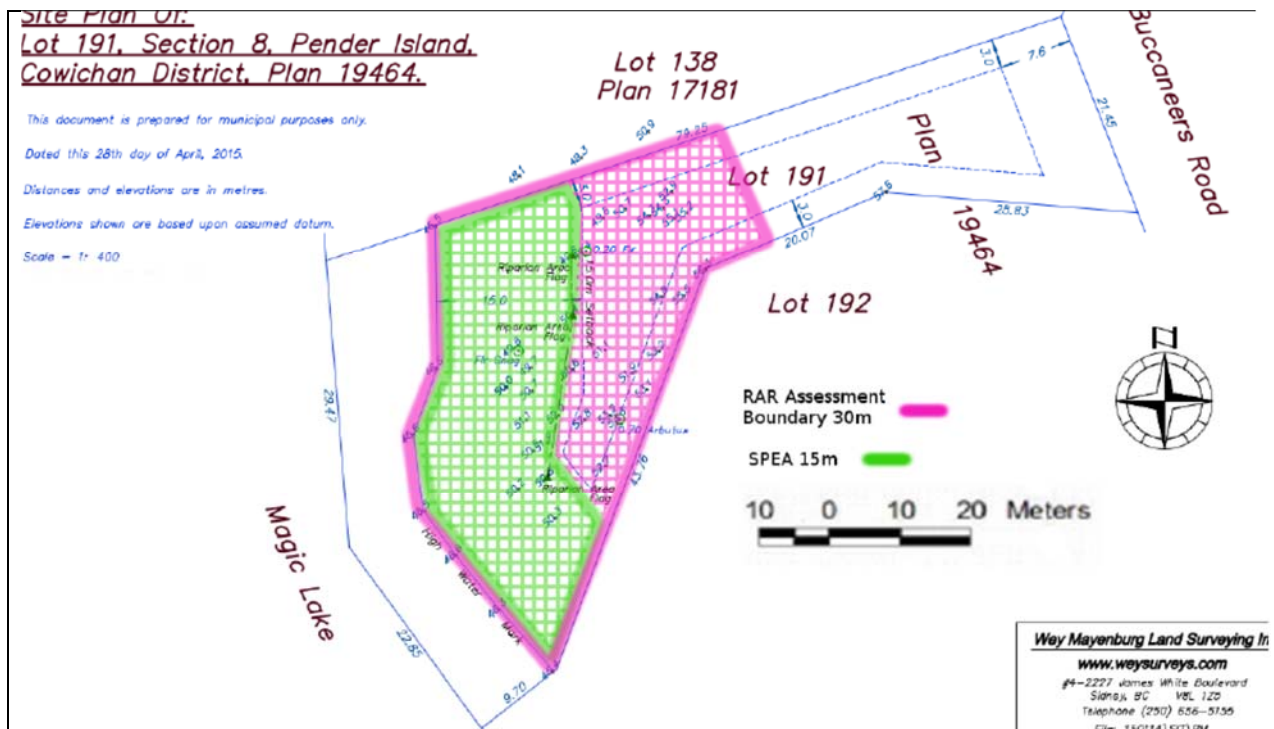
Kathleen Reimer MSc.,

Registered Professional Biologist

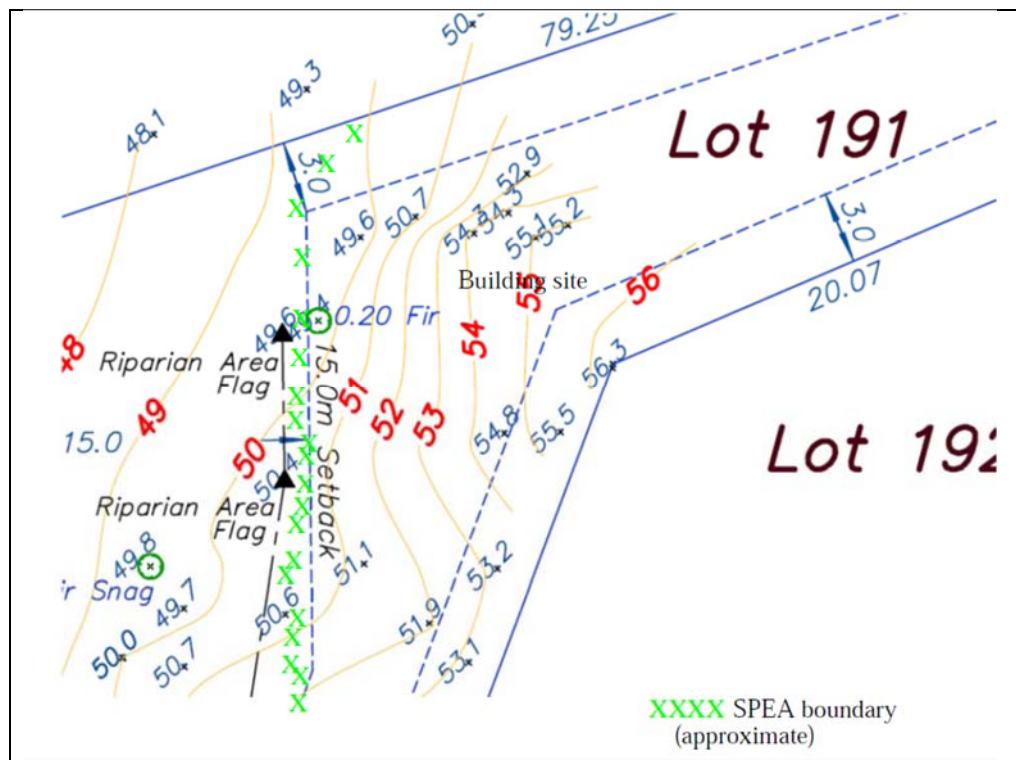
Map 1. CRD Atlas Orthophoto showing building site and SPEA (Streamside Protection and Enhancement Area)



Map 2. Riparian Assessment Area and SPEA from RAR Assessment Report (Reimer. 2015)



Map 3. Close up of site plan showing elevations of building site and SPEA boundary



Photograph 1. Clearing along the SPEA boundary, October 2015



STAFF REPORT

January 15, 2016

File NP-DP-2015.6

No.: (Rae)

To: North Pender Island Local Trust Committee
For LTC Meeting: January 28, 2016

From: Phil Testemale A/Planner2

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

Re: Development Permit Application

Owner: Driftwood Properties Ltd. (Davie Rae)
Applicant: Same
Description: Lot 1, Sections 10 and 15, Pender Island, Cowichan District, Plan VIP 59811
PID: 018-948-413

Civic Address: 4605 Bedwell Harbour Road ("Driftwood Centre")

THE PROPOSAL:

This report is to consider a Development Permit (DP) application to amend two existing DPs for the subject property: NP-DP-2015.3 (issued on August 17, 2015) and NP-DP-2008.1. The property is commonly known as the Driftwood Centre. In summary, the proposal is for:

- Removal of all requirements, conditions, authorizations and schedules contained in NP-DP-2015.3 as issued on August 17, 2015; And,
- replacing them with new conditions as follows:
 - An amended floor plan and elevations for portions of Building A (the "Bistro" and "CRD office").
 - Amendments to the overall Parking Plan for the development. Specifically: the reduction of the number of parking spaces by five (5) by designating the three (3) spaces at the rear of Building Retail 2 (the flower shop) for use as outdoor garden sales; And, by fencing and covering two (2) spaces at the rear of Building B for secure storage for the liquor store.

The subject property is designated in **Development Permit Area Nine – Commercial and Industrial Form and Character**. The objective of the DPA is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural character and avoids impacts on adjacent properties.

The proposed development is itemized in '**BACKGROUND**' – next.

A copy of proposed Development Permit NP-DP-2015.6 (Rae) is attached

BACKGROUND:

The overall development plan for the site consists of eight (8) existing retail buildings, a service station, three (3) future (unbuilt) retail buildings, landscaped areas, parking and numerous accessory storage buildings (See: Figure Two – Site Plan).

The current, overall development was approved as NP-DP-2008.1 when new DP guidelines were adopted with the current OCP. This DP was amended in 2011 and more recently with NP-DP-2015.3 which approved changes to the facades and floor areas of Buildings A, B and C, as well as an amended parking plan and landscaping plan.

Subsequent to NP-DP-2015.3 being issued in August, the owner decided not to proceed with the construction citing economic factors and the loss of some leasees. A building permit was never issued for the proposed construction.

The owner now wants to proceed with only minor alterations to Building A and some parking areas. The extent of the proposed work is as follows:

- Relocate the main entry to the former CRD offices and the 'Bistro' restaurant in Building A as highlighted in Figures Three and Four. This will allow for a functional double door entrance to the restaurant and move the existing main entrance to the former CRD offices. The design and finish of the exterior will remain unchanged from the existing for that portion of the development. The proposed work also involves moving of interior walls and interior changes all of which is not within the scope of the DPA.
- The door reconfiguration adds only a very small area to Building A by infilling the current recessed area where the new doors will be situated.
- The revised parking plan (Figure Five) dedicates the three (3) parking spots behind the flower shop ("Retail 2") as an exterior garden sales location.
- Two (2) parking spots will be fenced and covered in the rear of Building B (the BC Liquor Store) as shown in Figure Five. This has been requested by the Liquor Control Board to provide secure exterior storage.
- The number of designated (and constructed) parking spots is changed with the loss of the 5 spots from the rear of the liquor store and garden centre. Total parking is calculated at 125 which exceeds the LUB requirement by 1 spot (See: Figure Six).
- Given the minor nature of the proposed works, staff is recommending that the DP requirement for landscaping should be waived for this application only.

SITE CONTEXT:

The subject property is a 4.08 hectare (10.8 ac) lot located on Bedwell Harbour Road with a Commercial 1 zone of approximately 1.98 ha, a Service zone of approximately 0.73 ha and a Commercial 2 zone of approximately 1.29 ha. The property is surrounded by properties of varying size zoned Rural, Agricultural, or National Park.

Based on mapping data, the property is relatively level through the C1 zone then it rises from an elevation of 26m to 30 m behind the commercial buildings to the rear of the C1 zone. The property continues to rise through the SD and C2 zones on the property to a maximum elevation of 88 m.

Staff did not conduct a site visit for this particular application. Photos (below) were part of the application for NP-DP-2015.3

Figure One: Site Context

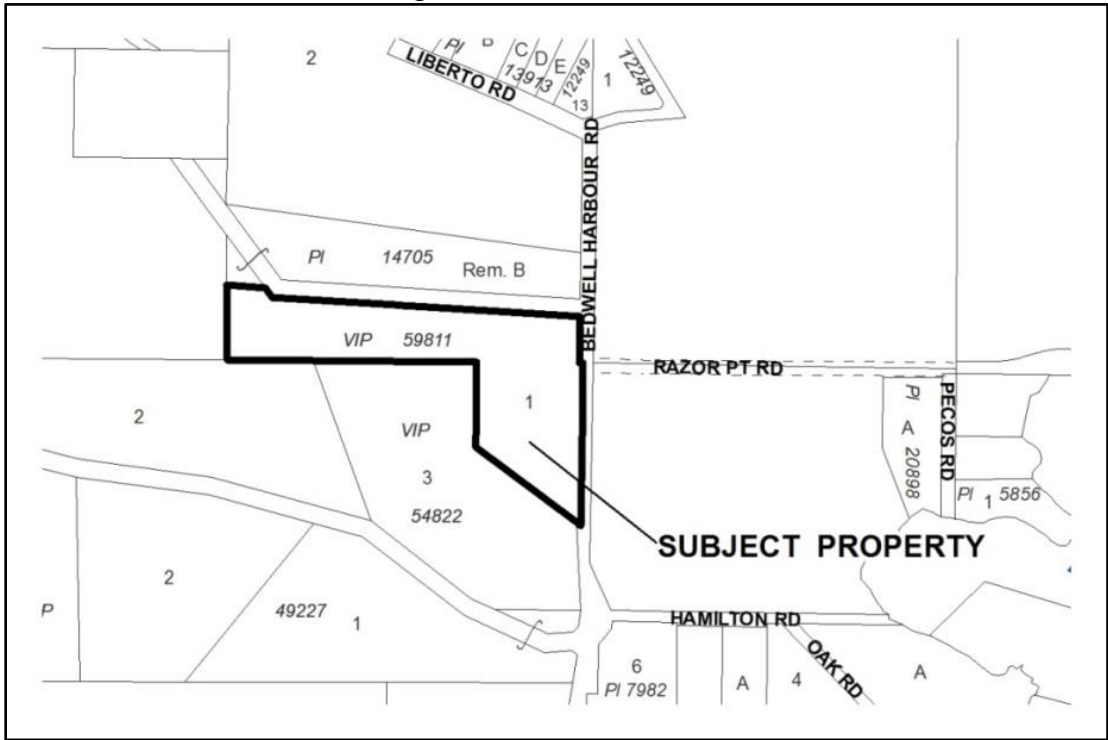


Figure Two: Site Plan

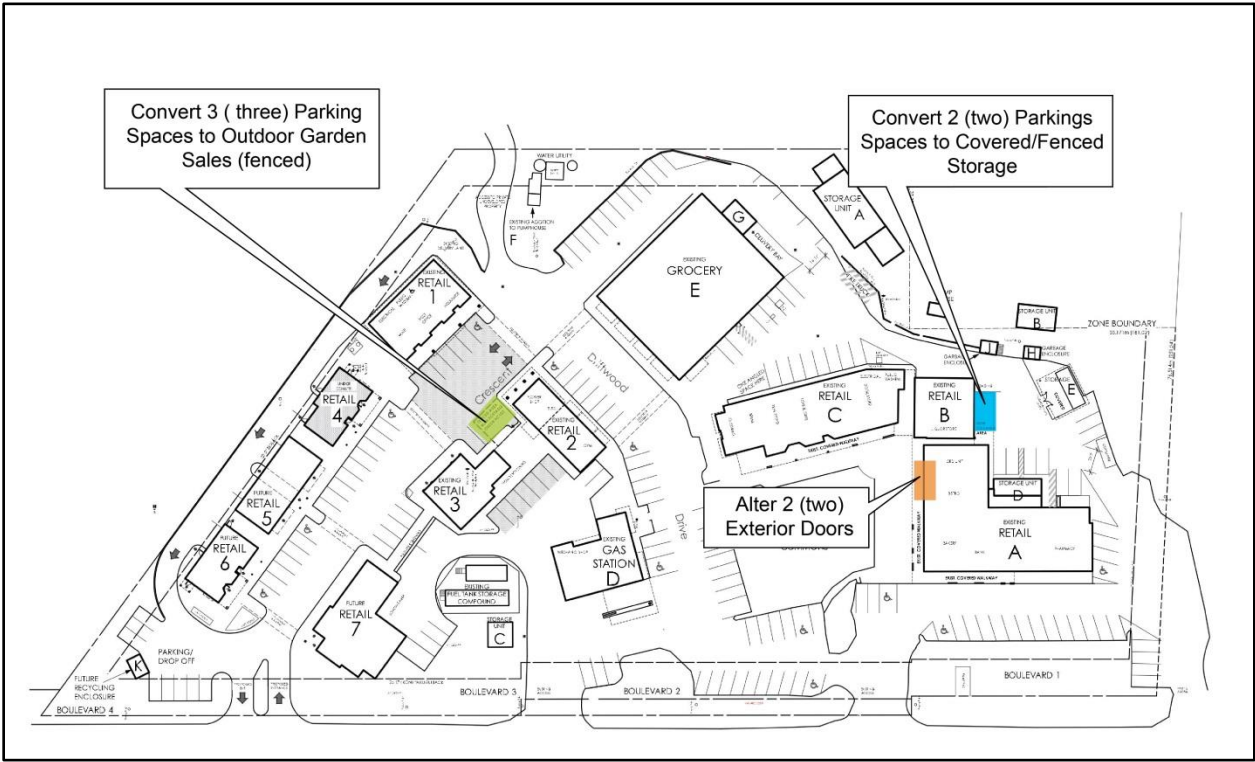


Figure Three: Floor Plan for Building A Renovation

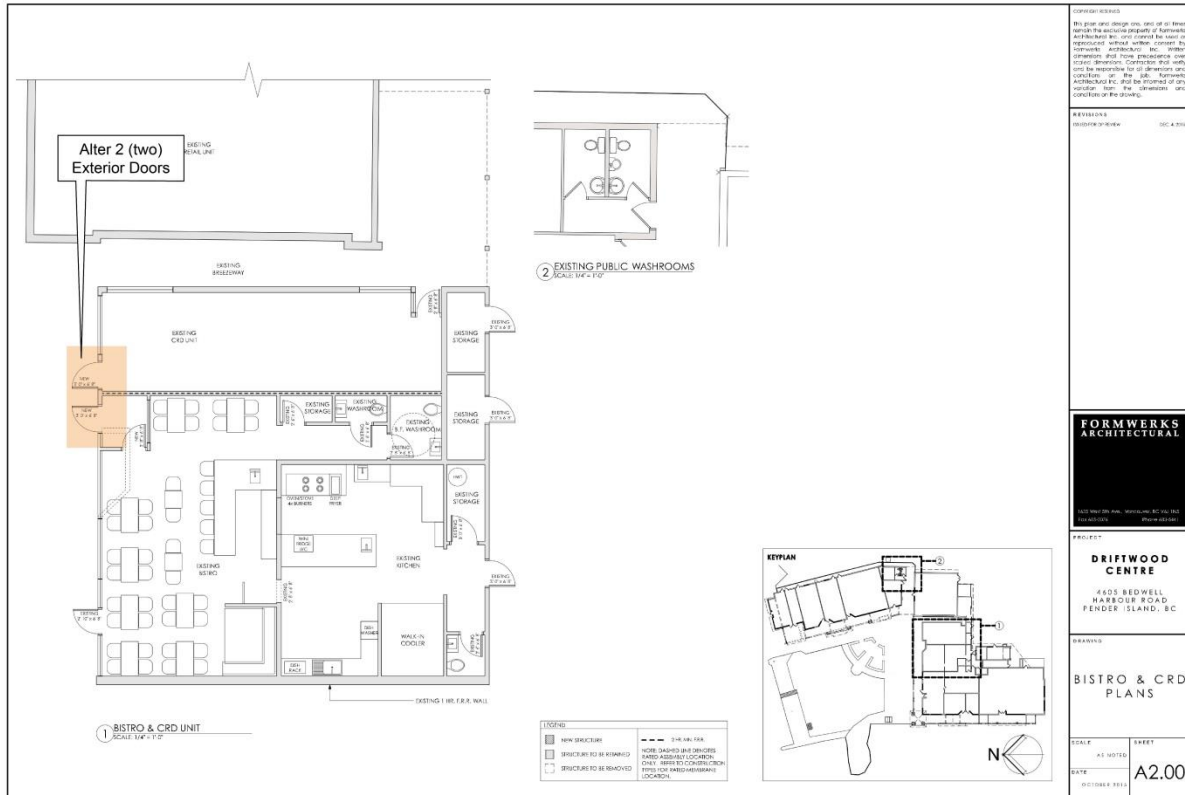


Figure Four: Elevations for Building A Renovation

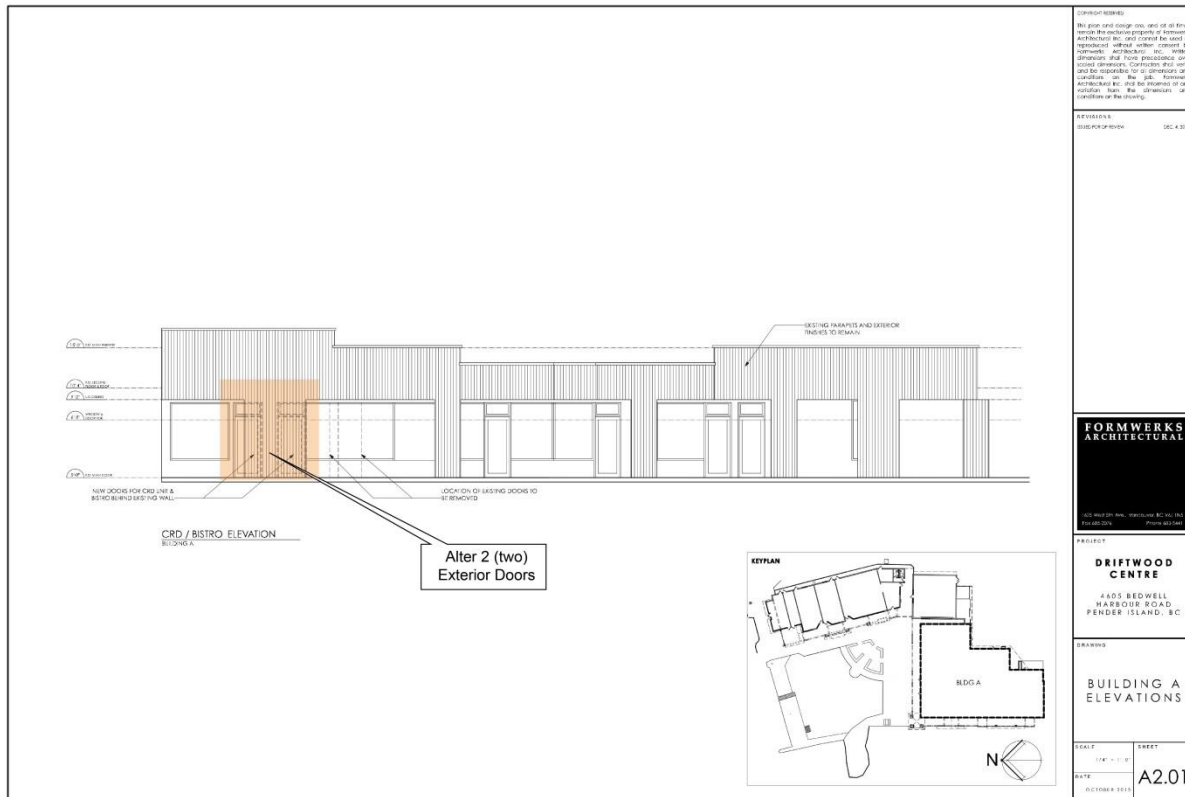




Photo One: Patio Area in Front of Bistro

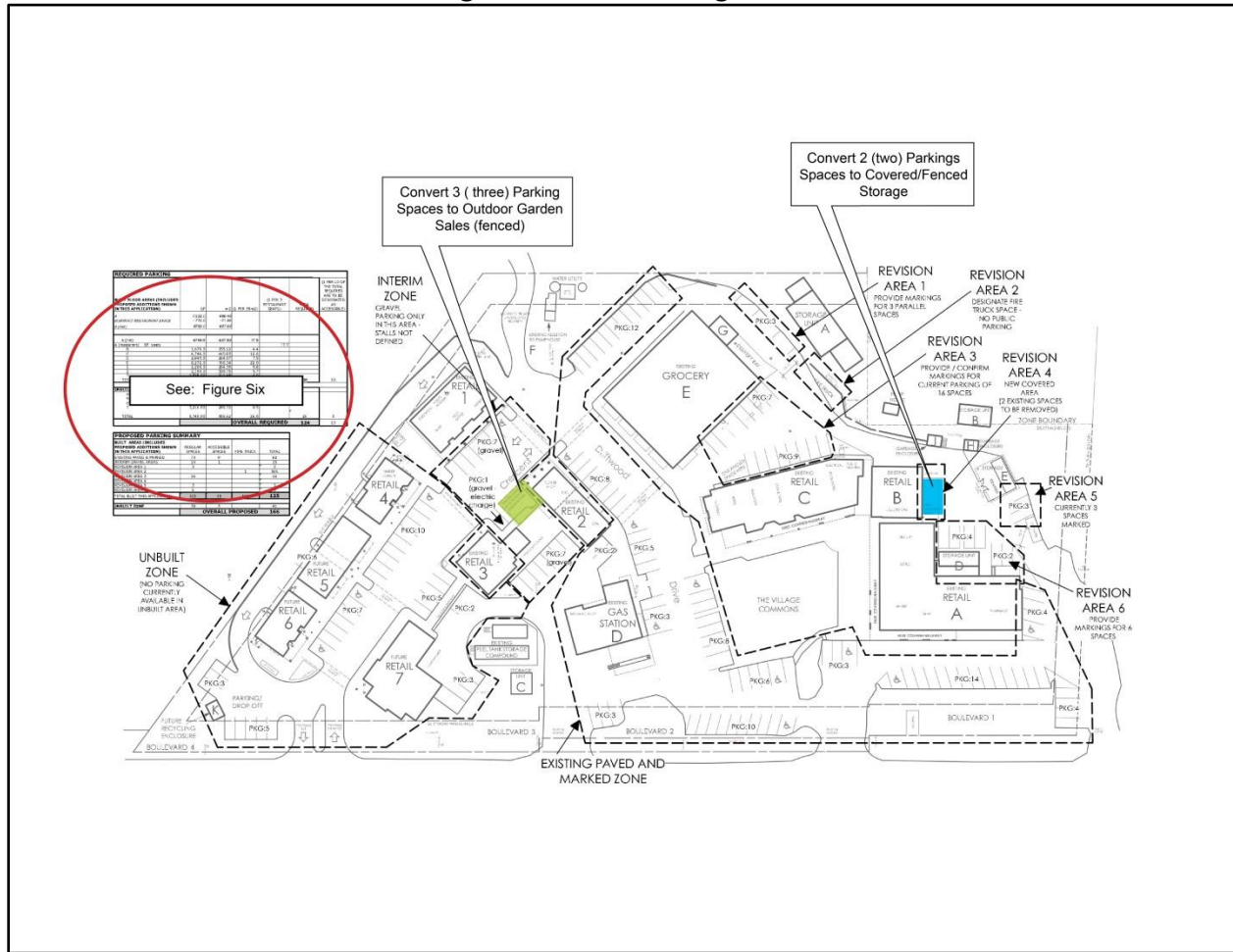


Photo Two: Patio Area in Front of Bistro



Photo Three: Garden Centre Outdoor Sales

Figure Five: Parking Plan



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

The relevant policy to the proposed development is:

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.

Official Community Plan

The subject property is designated as **Commercial (C)**, **Community Service (CS)** and **Tourist Commercial (TC)** in the North Pender Island Official Community Plan Bylaw No. 171, 2007 (see: Figure Twelve: OCP Designations). The proposed development is all within the **Commercial (C)** designation.

Figure Six: Parking Calculations

REQUIRED PARKING						
BUILT FLOOR AREAS (INCLUDES PROPOSED ADDITIONS SHOWN IN THIS APPLICATION)	SF	m ²	(1 PER 35m ²)	(1 PER 3 RESTAURANT SEATS)	TOTAL REQUIRED	(1 PER 10 OF THE TOTAL REQUIRED ARE TO BE DESIGNATED AS ACCESSIBLE)
A	7,529.0	699.46				
SUBTRACT RESTAURANT SPACE	- 770.0	-71.54				
A (net)	6759.0	627.92				
A (net)	6759.0	627.92	17.9			
A (restaurant) 53 seats				17.7		
B	1,670.0	155.12	4.4			
C	4,746.0	440.83	12.6			
D	2,843.0	264.07	7.5			
E	8,272.0	768.34	22.0			
1	2,200.0	204.35	5.8			
2	2,150.0	199.70	5.7			
3	1,525.00	141.65	4.0			
TOTAL	30,690.00	2850.64	80	18	98	10
UNBUILT ZONE						
4	1,865.30	173.26	5.0			
5	2,803.30	260.38	7.4			
6	1,865.30	173.26	5.0			
7	3,216.00	298.72	8.5			
TOTAL	9,749.90	905.62	26.0		26	3
OVERALL REQUIRED					124	13

PROPOSED PARKING SUMMARY				
BUILT AREAS (INCLUDES PROPOSED ADDITIONS SHOWN IN THIS APPLICATION)	REGULAR SPACES	ACCESSIBLE SPACES	FIRE TRUCK	TOTAL
EXISTING PAVED & MARKED	73	9		82
INTERIM GRAVEL AREAS	14	1		15
REVISION AREA 1	3			3
REVISION AREA 2			1	N/A
REVISION AREA 3	16			16
REVISION AREA 4				
REVISION AREA 5	3			3
REVISION AREA 6	6			6
TOTAL BUILT THIS APPLICATION	115	10	N/A	125
UNBUILT ZONE				
	38	3		41
OVERALL PROPOSED				166

Development Permit Area (DPA) Nine – Commercial and Industrial Form and Character is designated on the Commercial and Tourist Commercial portions of the property (See: Figure Thirteen: DPA Map – below). The objective of the DPA is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with, and enhances rural character and avoids impacts on adjacent properties.

There are no DPAs for sensitive ecosystems designated on the property.

Analysis of the proposed development's conformity to the objectives and guidelines of the DPAs is within "Issues Summary" and "Staff Comments" (below)

Figure Seven: OCP Designations

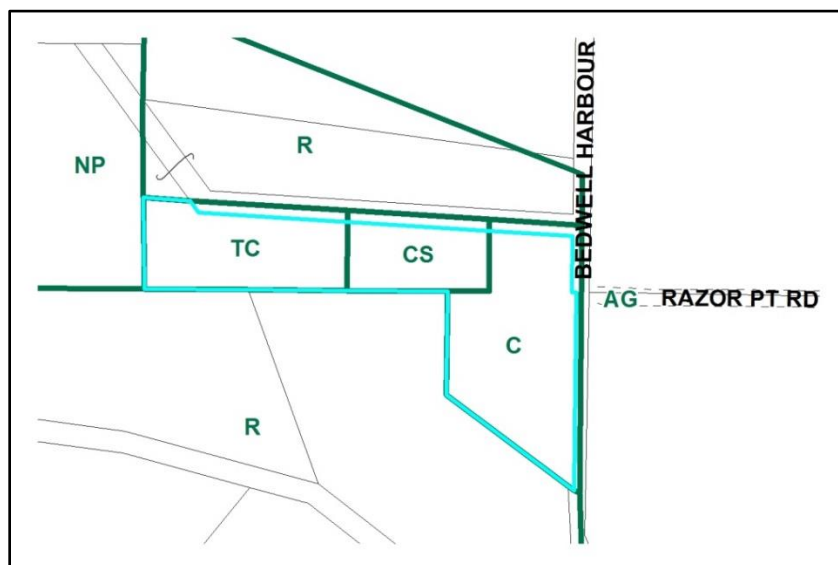
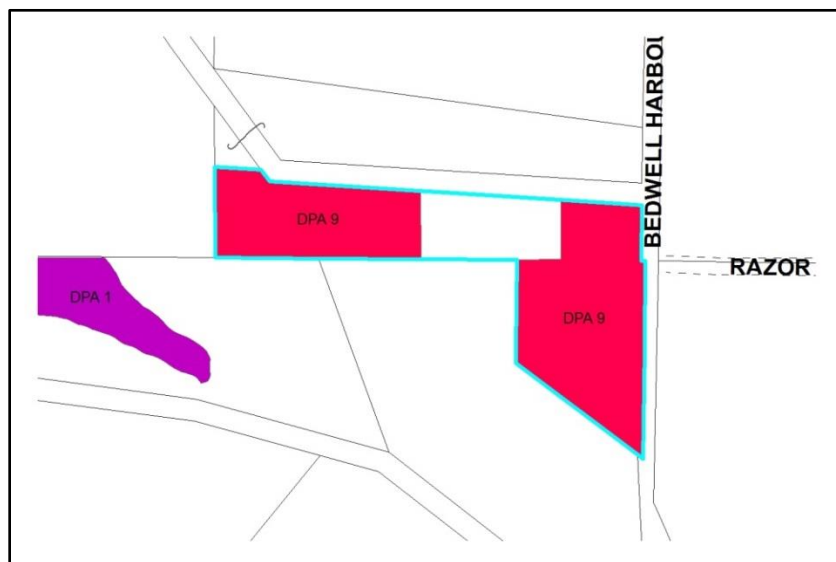


Figure Eight: Development Permit Areas



Land Use Bylaw

The property is split-zoned **Commercial 1 (C1) Service (SD)** and **Commercial 2 (C2f)** in the North Pender Island Land Use Bylaw No. 103, 1996. The zoning is shown on Figure Fourteen (below). The area of proposed development is within the **Commercial 1 (C1)** portion.

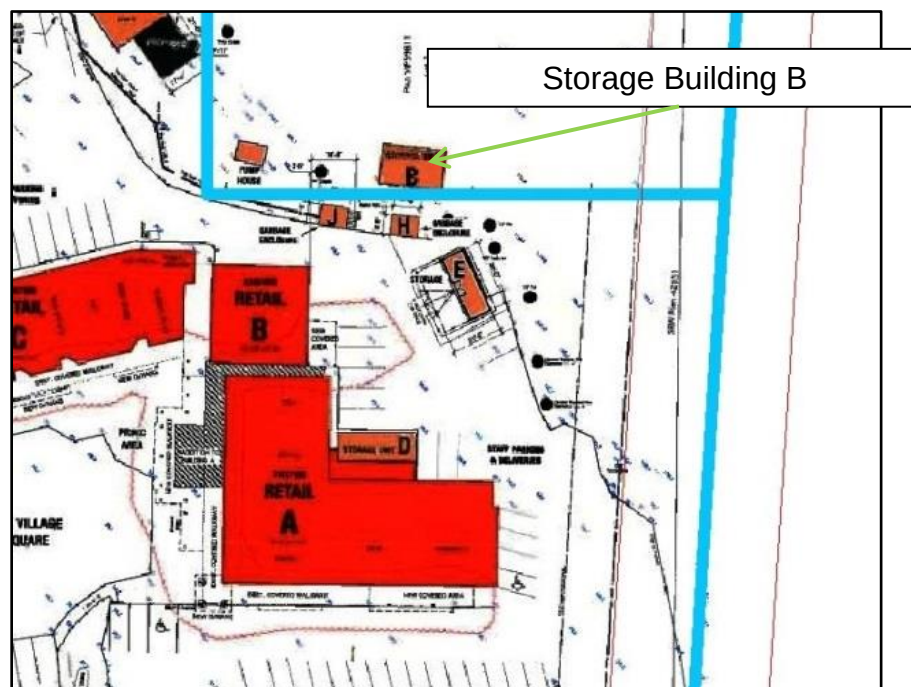
The existing, proposed additions (current application) and future uses and siting of buildings and structures conform to the Land Use Bylaw. The exception is the building labelled “Storage Unit B” (See: Figure Ten) which is sited mostly within the SD zone on the property. The owners have numerous options in order to bring the building into conformity with the zoning. Bylaw enforcement is addressing this building and other matters (See: **Bylaw Enforcement** – below).

The maximum lot coverage permitted is 25%. Additions and alterations that are part of this application, in addition future approved buildings conform to the site coverage provision.

Figure Nine: Orthophoto with Zoning



Figure Ten: Zoning Detail (Storage Building B)



Islands Trust Fund

There are no Trust Fund Board covenants or properties in proximity to the proposed subdivision.

Regional Conservation Plan

The proposal does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.

Sensitive Ecosystems and Hazard Areas

There is a small portion of the property that has mature forest sensitive ecosystem values. The area is on the western periphery of the Commercial 1 (C1) area and the current proposal does not affect this area. There are only small occurrences of low and medium slope hazard on the western periphery of the Commercial 1 (C1) area of the property. The current proposal is unaffected.

Archaeological Sites

There are no archaeological sites listed on the Provincial RAAD database for the subject property.

Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Covenants

There are no LTC or other covenants registered on the property.

Bylaw Enforcement:

There is an active enforcement file on the subject property:

NP-BE2013.5 This enforcement was initiated for insufficient parking (resolved), dumping and burning of waste material and depositing a large pile of gravel. The file is open.

The proposed permit contains a condition that enables staff to access the property to verify compliance with the conditions set out in the permit.

The owners have recently applied for a Temporary Use Permit for the non-commercially zoned portions of the property in order to legalize some of the current uses subject to enforcement. The owner's are working towards compliance through the TUP and this DP application.

Climate Change Mitigation and Adaptation

As the proposed construction does not substantially increase development density, the potential GHG emission changes resulting from approval are minimal given the location of the potential impacts on proposed development from anticipated or possible climate change induced hazards are largely neutral.

COMMUNITY INFORMATION MEETING(S):

There is no community information meeting associated with the development permit application as they are not a requirement.

RESULTS OF CIRCULATION:

There is no notification requirement for the Development Permit

ISSUES SUMMARY:

The Development Permit Area Checklist normally attached for a DP application has not been included given the minor nature of the alterations.

The proposed development is minor in nature and conforms to the guidelines of the DPA.

Further, staff is recommending that based on the scale of the changes that an amended landscape plan is unwarranted at this time.

STAFF COMMENTS:

The proposed changes for Building A are minor in nature and do not alter the form and character from the existing for that portion of the development. The changes to the restaurant doorways will enable access that is more functional to the restaurant.

The changes to the facades of these three buildings that were contemplated with the previous amendment are not being undertaken at this point in time, and will require a further amendment permit in the future.

The parking plan gives an accurate count of spaces that are currently constructed and future space. The amended number exceeds that required by the LUB and that approved by the existing DP.

Based on the foregoing, staff is recommending that the development permit be issued.

RECOMMENDATIONS:

1. **THAT** Development Permit NP-DP-2015.5 (Rae) **BE APPROVED**

Prepared and Submitted by:



January 15, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

January 15, 2016

Date

Attachments: Proposed Development Permit NP-DPA-2015.3



Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2015.6

(X-REF: NP-DP-2008.1; NP-DP-2011.1; and NP-DP-2015.3)

To: Driftwood Properties Ltd.
c/o Davie Rae

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

Lot 1, Sections 10 and 15, Pender Island, Cowichan District, Plan VIP 59811
(PID: 018-948-413)
2. This Development Permit amends Section 2. and 3. of Development Permit NP-DP-2015.3 by removing all requirements, conditions, authorizations and schedules as issued on August 17, 2015 and replaces them with the requirements and conditions established in Section 3. (next).
3. Further, this Development Permit amends Section 2. of Development Permit NP-DP- 2008.1 by authorizing the construction of additions to existing commercial retail units subject to the following requirements and conditions:
 - a) The siting and layout of buildings and structures shall be substantially in accordance with the 'Site Plan' attached as Schedule 'A' attached to and forming part of this permit;
 - b) Construction shall be in substantially in accordance with the 'Bistro and CRD (Floor) Plans' attached as Schedule 'B' attached to and forming part of this permit;
 - c) Construction shall be in substantially in accordance with the 'Building A Elevations' plan attached as Schedule 'C' attached to and forming part of this permit;
 - d) Parking configuration and construction shall be in accordance with the Parking Plan attached as Schedule 'D' attached to and forming part of this permit; And,
 - e) Parking numbers shall be in accordance with the Parking Plan attached as Schedule 'E' attached to and forming part of this permit.
4. All work will be substantially consistent with that shown on the Schedules attached to and forming part of this permit.
5. This permit authorizes Islands Trust staff to access the subject property without prior notification, for the purpose of verifying compliance with the conditions set out in this permit.

6. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
7. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS th DAY OF , 2016.

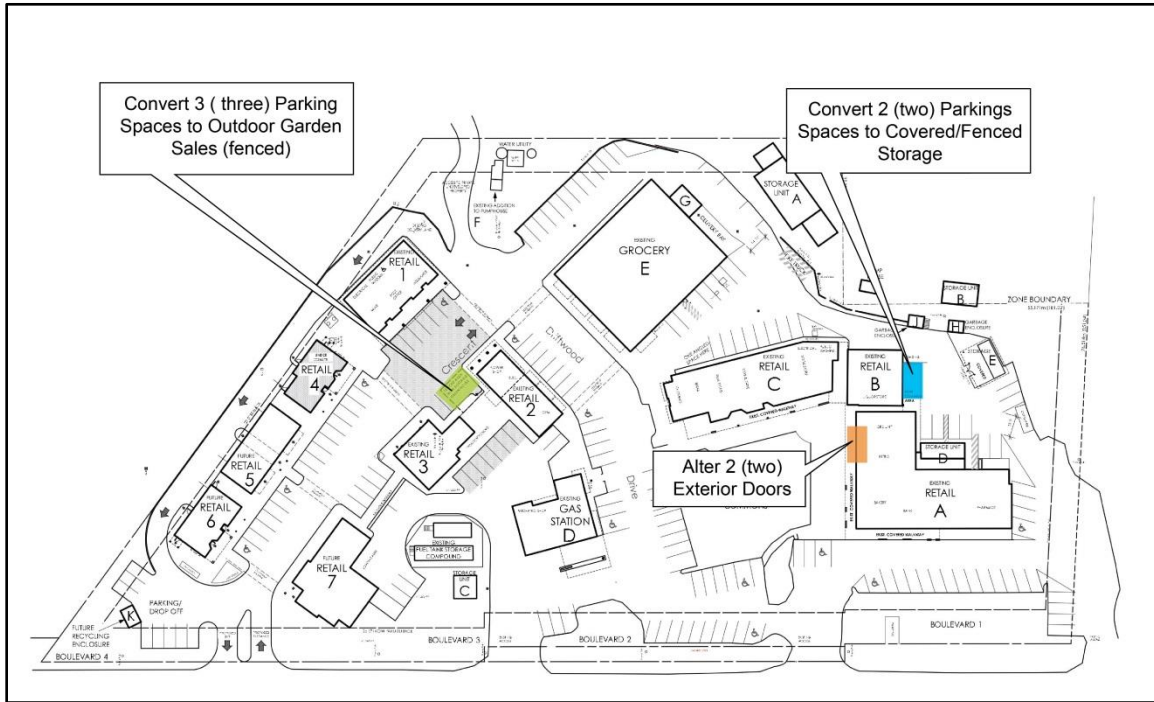
Corporate Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE th DAY OF , 2018, THIS PERMIT AUTOMATICALLY LAPSES.

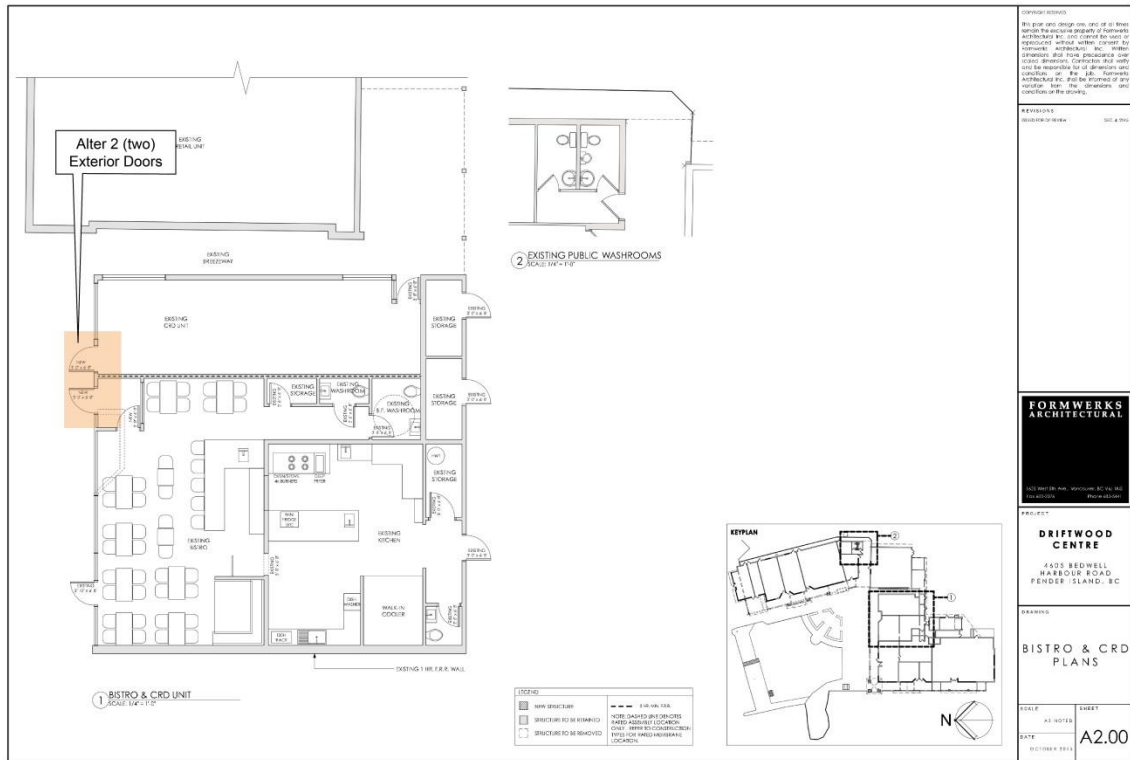
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2015.6
Schedule "A"**

Property Site Plan



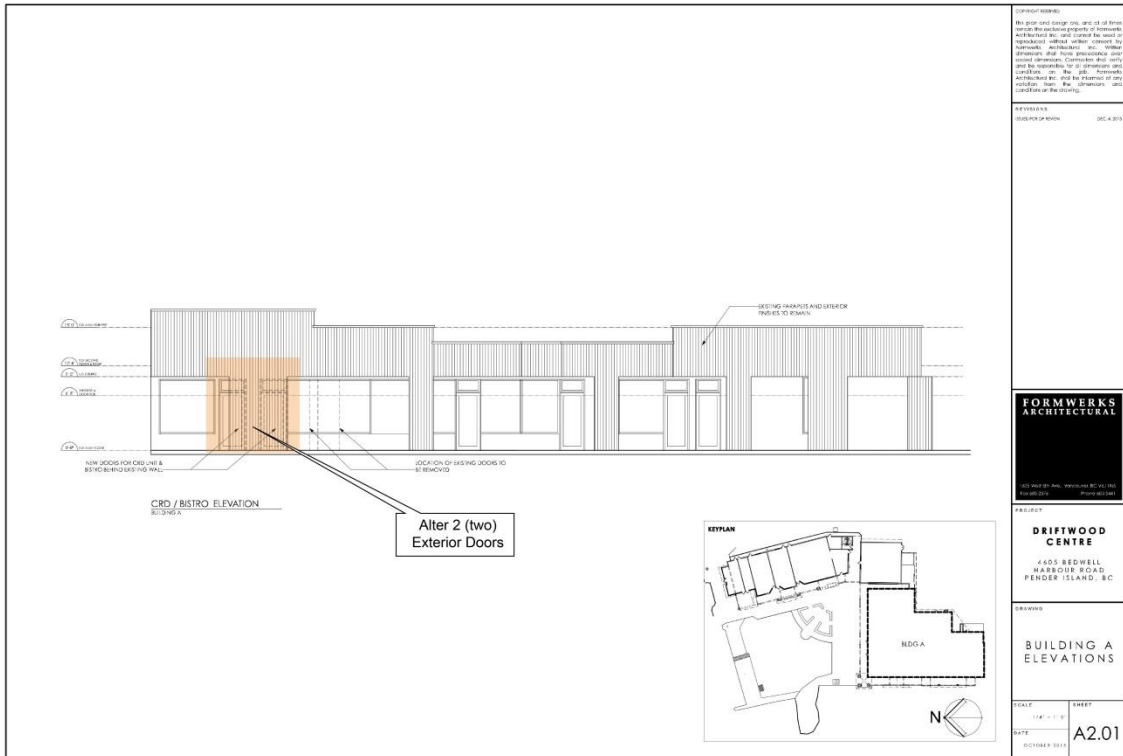
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2015.6
Schedule "B"**

Bistro and CRD (Floor) Plans



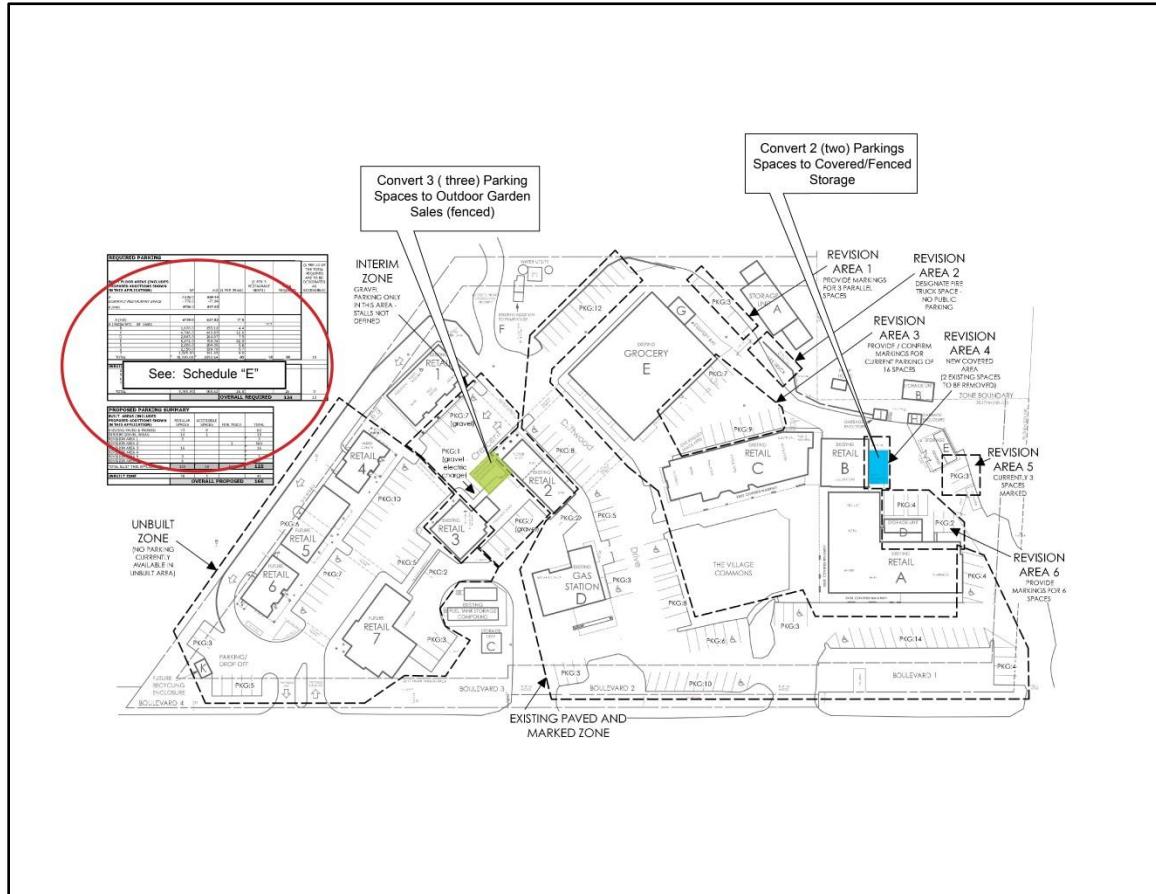
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2015.6
Schedule "C"**

Building A Elevations



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2015.6
Schedule "D"**

Parking Plan



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2015.6
Schedule "E"**

Parking Calculations

REQUIRED PARKING						
BUILT FLOOR AREAS (INCLUDES PROPOSED ADDITIONS SHOWN IN THIS APPLICATION)	SF	m2	(1 PER 35m2)	(1 PER 3 RESTAURANT SEATS)	TOTAL REQUIRED	(1 PER 10 OF THE TOTAL REQUIRED ARE TO BE DESIGNATED AS ACCESSIBLE)
<i>A</i>	<i>7,529.0</i>	<i>699.46</i>				
<i>SUBTRACT RESTAURANT SPACE</i>	<i>- 770.0</i>	<i>-71.54</i>				
<i>A (net)</i>	<i>6759.0</i>	<i>627.92</i>				
<i>A (net)</i>	<i>6759.0</i>	<i>627.92</i>	<i>17.9</i>			
<i>A (restaurant) 53 seats</i>				<i>17.7</i>		
<i>B</i>	<i>1,670.0</i>	<i>155.12</i>	<i>4.4</i>			
<i>C</i>	<i>4,746.0</i>	<i>440.83</i>	<i>12.6</i>			
<i>D</i>	<i>2,843.0</i>	<i>264.07</i>	<i>7.5</i>			
<i>E</i>	<i>8,272.0</i>	<i>768.34</i>	<i>22.0</i>			
<i>1</i>	<i>2,200.0</i>	<i>204.35</i>	<i>5.8</i>			
<i>2</i>	<i>2,150.0</i>	<i>199.70</i>	<i>5.7</i>			
<i>3</i>	<i>1,525.00</i>	<i>141.65</i>	<i>4.0</i>			
TOTAL	30,690.00	2850.64	80	18	98	10
UNBUILT ZONE						
<i>4</i>	<i>1,865.30</i>	<i>173.26</i>	<i>5.0</i>			
<i>5</i>	<i>2,803.30</i>	<i>260.38</i>	<i>7.4</i>			
<i>6</i>	<i>1,865.30</i>	<i>173.26</i>	<i>5.0</i>			
<i>7</i>	<i>3,216.00</i>	<i>298.72</i>	<i>8.5</i>			
TOTAL	9,749.90	905.62	26.0		26	3
OVERALL REQUIRED					124	13

PROPOSED PARKING SUMMARY				
BUILT AREAS (INCLUDES PROPOSED ADDITIONS SHOWN IN THIS APPLICATION)	REGULAR SPACES	ACCESSIBLE SPACES	FIRE TRUCK	TOTAL
EXISTING PAVED & MARKED	73	9		82
INTERIM GRAVEL AREAS	14	1		15
REVISION AREA 1	3			3
REVISION AREA 2			1	N/A
REVISION AREA 3	16			16
REVISION AREA 4				
REVISION AREA 5	3			3
REVISION AREA 6	6			6
TOTAL BUILT THIS APPLICATION	115	10	N/A	125
UNBUILT ZONE				
	38	3		41
OVERALL PROPOSED				166

January 12, 2016

File No.: NP-RZ.2015.1(Colliers International)

To: North Pender Island Local Trust Committee
For the meeting of January 28, 2016

From: Justine Starke, Local Planning Services
CC: Robert Kojima, Regional Planning Manager
Re: Rezoning Application – Preliminary Report

Owner: Robert Conconi

Applicant: Colliers International Consulting

Location: 6901 Shark Road: Lot 9, Section 6, Pender Island, Cowichan District, Plan VIP1084, PID: 008-045-372;
6902 Pirates Road: Lot 34, Pender Island, Cowichan District, Plan VIP32261, PID 001-081-004;
6906 Pirates Road: Lot 33, Section 6, Pender Island, Cowichan District, Plan VIP32261, PID 000-825-166.

THE PROPOSAL:

This preliminary report introduces the proposal to rezone the subject properties. The application includes three properties, but its main focus is the rezoning of 6901 Shark Road (hereafter referred to as “Lot 9”), to permit short term vacation rentals in five dwelling units (two dwellings and three cottages), as well as the use of accessory structures and outdoor areas for hosting events at the property known as ‘the Timbers’. It also proposes to increase the residential density of Lot 9 by one unit to permit an existing caretaker’s unit (1210 ft²). The proponents intend for the application to be “density neutral” by removing and transferring one density from the vacant Lot 34 (6202 Pirates Road) to compensate for the extra density (caretaker’s unit) on Lot 9 (this would leave Lot 34 with the ability to build one size restricted cottage). Lot 33 is included in the application but is not requested to be rezoned, as the application proposes no change of use or density. The applicants seek these uses as site specific amendments to the Rural zone and would like to retain the existing residential principal uses.

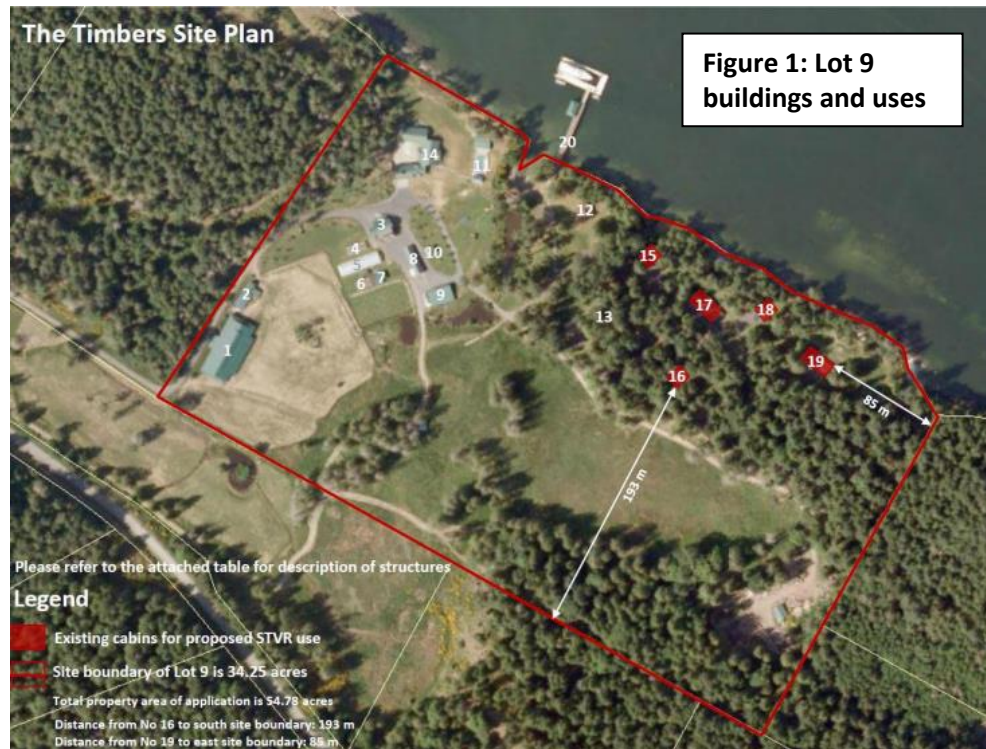
The application also seeks an amendment to the Water 1 zone to bring existing structures into compliance with zoning, specifically a 557 m² dock and a 11.2m x 6.2m roofed structure (known as the “gate house”). The application proposes specific bylaw provisions to stipulate that the width of docks, wharfs or floats cannot exceed 2.45m (current zoning permits a maximum width of 1.5 m). Another aspect of this zoning request is the proposal to enter into a covenant promising Lot 33 access to the Lot 9 dock by way of legal agreement (easement or other tool), should the land be subdivided or sold. A draft covenant was provided for example in the application package.

BACKGROUND:

The property referred to as Lot 9 is currently permitted to have three single-family dwellings and three cottages. The density was permitted under the previous bylaw and is now lawful non-conforming; there was a covenant registered in 1997 to ensure that the lot would not be subdivided and further dwellings constructed.

The covenant was required by the previous zoning bylaw provision that allowed the same number of dwellings on a property that would be permitted if the land was subdivided (a concept known as “dwellings equivalent to lots”). In addition to the change of use and density transfer, the requested zoning amendment would make the actual density allowed on Lot 9 conforming with the Land Use Bylaw.

There is no proposal for new development on the property. All building, dwellings, and cottages have been constructed and exist on the property. One single-family dwelling is the ‘main house’ and is used by the owner’s family. The remaining five dwellings (two dwellings and three cottages) are sited approximately 200-



300m distant from the main house, and are clustered within a forested portion of the property adjacent to the shoreline. These units have a total capacity of 26 persons as outlined below. In addition to the cottages, the guests would also be using: the pool, the gazebo, and the ‘drying shed’. The ‘drying shed’ would be the proposed location for gatherings and events. Figure 1 and Table 1, provided by the applicant, detail the existing structures and current and proposed uses of Lot 9.

Corresponding Map Numbers*	Structure	Table 1: Current and Proposed Uses	Current and Proposed Use
1	Riding Arena (for horses)		Rural Zone
2	Horse Barn (for animals)		Rural Zone
3	Barn (workshop and caretaker’s residence)		Rural Zone
4	There is no structure here, what you can see on the map is a septic field in the grass.		Rural Zone
5	Greenhouse - currently nothing planted		Rural Zone
6	Open outdoor chicken pen		Rural Zone
7	Chicken pen		Rural Zone
8	Shelter for storage of farm equipment, trailers, etc		Rural Zone
9	Garage		Rural Zone
10	The old chicken pen, currently not used		Rural Zone
11	Pool - no change of use intended, but guests are allowed to use the pool.		Rural Zone
12	Gazebo - guests are allowed to use the gazebo.		Rural Zone
13	Drying shed- gatherings and events can be held at the Drying Shed.		Rural Zone
14	Main house – Conconi family’s residence (dwelling 1)		Rural Zone
15	Hemlock - Area: 503 SF, 2 Bedrooms + pull out couch, Capacity: 6 (cottage 1)		Rural Zone
16	Maple – Area: 503 SF, 2 Bedrooms, Capacity: 4 (cottage 2)		Rural Zone
17	Alder - Area: 1400 SF, 3 Bedrooms; Capacity: 6 (dwelling 2)		Rural Zone
18	Cedar - Area: 503 SF, 2 Bedrooms, Capacity: 4 (cottage 3)		Rural Zone
19	Birch - Area: 1400 SF, 3 Bedrooms, Capacity: 6 (dwelling 3)		Rural Zone
20	Dock		Water 1

The Timbers was the subject of a Temporary Use Permit application in 2014 (NP-TUP-2014.1). The application was denied by the previous North Pender Island Local Trust Committee on April 24, 2014. Appendix 1 includes an excerpt from the minutes of this meeting for the information of the current LTC.

The requested use has also previously occurred on the property in contravention of the LUB, resulting in bylaw enforcement and litigation. At this time, the outstanding enforcement issues are related to the caretaker's dwelling and the oversize dock (note however that 405m² of the dock is legal non-conforming). Therefore, the request is for an additional 152m². See Figure 2.

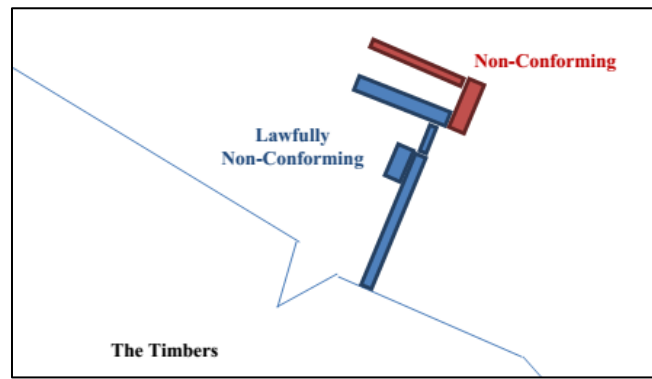


Figure 2: Lawfully non-conforming and non-conforming components of the dock (Figure courtesy of Colliers International).

SUPPORTING DOCUMENTS:

The proponents have included a number of reports in appendices to support the application request. The entire application and appendices have been posted on the website at <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>.

Supporting documentation includes:

Application Appendix 1

1. Letter of Agency
2. State of Title Certificate(s)
3. Covenant on Title(s)
4. Code Consultant Appraisal and Drying Shed fire plan
5. Fire Checklist
6. Traffic assessment from Ministry of Transportation and Infrastructure
7. Septic Inspection – Currently conducting repairs
8. Archaeologist review

Application Appendix 2

1. Occupancy Permits
2. Proposal – Hydrogeological Assessment and Development of a Water Management Plan for the Timbers Retreat, 6901 Shark Road North Pender Island, BC
3. Proposed New Covenant – DRAFT
4. Good Neighbour Agreement – DRAFT
5. Airbnb documentation
6. Dock Documentation
 - A. Bylaw officer documentation

- B. Contractor demonstrates existing structures
- C. Dock visual
- 7. Dock Approvals for Expansion
 - A. Executed License of Occupation
 - B. Navigable Waters Protection Act Approval
 - C. Tenure Offer from Ministry of Agriculture and Lands
- 8. Marine biologist report
- 9. Proposal - Proposal to Study the Feasibility of Using Rooftop Collected Rainwater for The Timbers Retreat, 6901 Shark Road, North Pender Island

SITE CONTEXT:

Lot 9 is a waterfront property facing Bedwell Harbour, and located on Shark Rd (off of Pirates Road), approximately 0.5 km north of the Trincomali neighbourhood. The property is 13.86 ha (34.25 ac) in size and based on GIS data rises from sea level to approximately 28 m above sea level in the southern portion of the property. The property is larger than the surrounding properties which tend to be 10-15 acres in size, except for the smaller lots located in the Trincomali neighbourhood.

Lot 33 is 10.8 acres and directly abuts Lot 9 with frontage on Pirates Road. Lot 34 is 10.43 acres in area and is on the north side of Shark Rd., also fronting on Pirates Road.

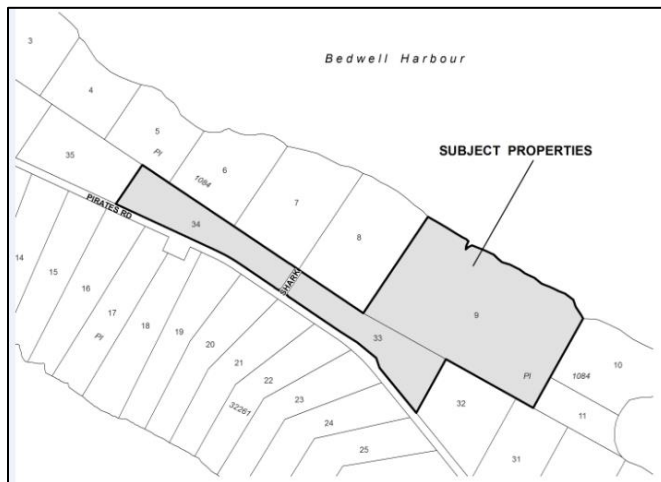


Figure 3: Subject Properties Map

Figure 4: Orthophoto of Subject Property



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Directive policies relevant to this application include:

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

- 3.4.4 - the protection of sensitive coastal areas.
- 3.4.5 – the planning for and regulation of development in coastal regions to protect natural coastal processes.
- 4.4.2 –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.
- 4.5.10 – 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.
- 4.5.11 – address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
- 5.1.3– address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- 5.3.7 – 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.
- 5.5.4 –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.
- 5.7.2 – economic opportunities that are compatible with conservation of resources and protection of community character.

Official Community Plan

Lot 9 is the subject property of the change of use, but all three of the properties are designated Rural; Rural land use policies directly relevant to this application include:

- 2.1.2.1 – The principal uses on the lands in the Rural land use designation shall be residential and agricultural.
- 2.1.2.2 – Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use.

As the proposed use is for a commercial use, Commercial land designation has policies relevant to this application include:

- 2.4.1 – Commercial development shall be small scale, low density business enterprise designated to meet the needs of residents and visitors.

- 2.4.5 – Commercial proposals which would have significant deleterious effects on adjacent land uses will not be permitted.

Additionally, there is a subsection of the Commercial policies specifically addressing Tourist Commercial land use, which are:

- 2.4.4 – Applications for commercial rezoning must prove adequate water supply and waste disposal capability for both present and projected needs.
- 2.4.14 – Tourist oriented or commercial recreational activity shall not be permitted as a principal use on lands suitable for agriculture or in hazardous or environmentally sensitive areas.
- 2.4.15 – Commercial campgrounds for the temporary accommodation of island visitors shall be permitted provided they reflect the rural character of the island.
- 2.4.16 – The Local Trust Commercial will support efforts to develop a tourism plan that provides for mutual benefits for the community and for visitors, promotes an economically diverse community and that is compatible with the conservation of resources and the protection of community character and values.
- 2.4.17 – No consideration may be given to applications to increase density or to transfer density in the commercial designations without amending this plan.
- 2.4.18 – The Local Trust Committee may give consideration to regulations increasing the maximum permitted floor area of individual commercial guest accommodation units, provided there is no net increase in the total floor area permitted in each location.
- 2.4.19 – Regulations should limit the residential use of commercial guest accommodation units.
- 2.4.20 – Regulations should require that on-site staff accommodation is provided for larger commercial guest accommodation developments.

Furthermore, because the Lot 9 contains areas identified as Mature Forests in the Sensitive Ecosystem mapping, the additional policy would be relevant:

- 5.1.4. – Owners of land identified on Schedule C (Sensitive Ecosystems) as containing Mature Forest ecosystems are encouraged to limit tree removal and forestry activities within this important ecosystem. Mature Forest ecosystems are considered important because of high biodiversity values, which increase with the age of the forest, landscape connectivity and the provision of buffers for adjacent sensitive ecosystems.

The water is designated Marine in the Official Community Plan (OCP). Relevant policies in the OCP include:

- 4.2.1 Regulations should protect natural coastal processes from the impacts of development.
- 4.2.6 Marshes, bluffs and other natural features along the coast shall be protected from erosion, pollution and other impacts of development by:
 - ensuring that any use of the foreshore does not result in permanent damage to natural features;
 - encouraging use of community docks or multi-user docks; and
 - ensuring that waterfront development is sufficiently setback to permit natural erosion and accretion processes to occur without endangering structures.
- 4.2.10 No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

There is a known archaeological site on the property. Relevant Heritage Policies include:

- 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.

Land Use Bylaw 103:

All three properties are zoned Rural (R) as are the surrounding properties. Permitted uses are residential and agricultural. Under the zoning, Lots 33 and 34 would be permitted a cottage in addition to a single family dwelling, as well as other accessory uses. Lot 9 has existing legal non-conforming residential density which permits 3 dwellings and 3 cottages.

- The maximum area of the legal non-conforming cottages is 46.5 square metres (500 sq. ft.)
- The current maximum area for cottages is 56 sq. m, (603 sq. ft.).

The foreshore is zoned Water 1 (W1). Permitted uses in the W1 Zone include private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea, and providing access to that lot or those lots; pilings necessary for the establishment or maintenance of the uses permitted by Clause 8.19.1(1)(a); boat launching ramps; and marine navigation, marine navigation aids and marker buoys.

Under S. 8.19.6, the maximum water area that may be covered by floats and wharves is 37 m². The permitted width of any ramp or walkway, including handrails, used to access any float or wharf is 1.5 metres.

Islands Trust Fund:

There are no Trust Fund properties or covenants in close proximity to the subject properties.

Sensitive Ecosystems and Hazard Areas:

There is a small area on the southern property line that would be subject to the sensitive wetland development permit area. There is a sensitive intertidal development permit area adjacent to the small bay on the property. The waters of Bedwell Harbour are identified as a federal Rock Fish Conservation Area. There are also a number of areas identified in the Sensitive Ecosystem Mapping as Mature Forest, Freshwater, and Young Forest.

Figure 5: Development Permit Areas and Protected Areas

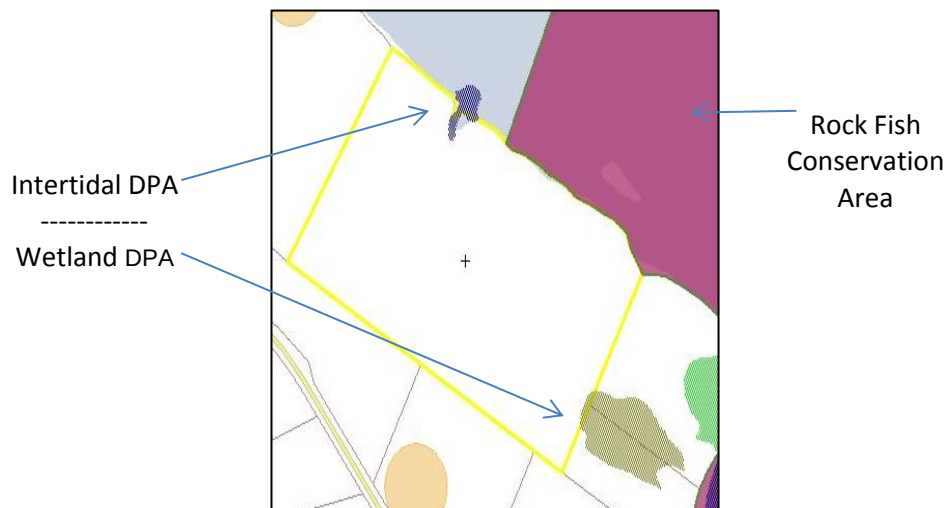
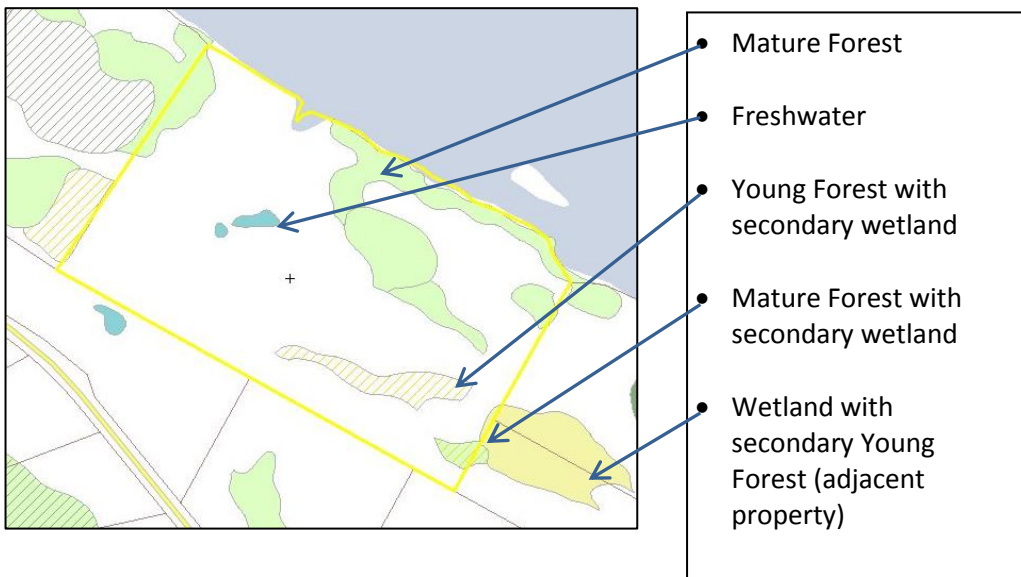


Figure 6: Sensitive Ecosystem Mapping



Shoreline

The majority of the shoreline adjacent to the property is low rock /boulder. The southern end of the property is sea cliff. Approximately 275m of the shoreline is also identified as forage fish habitat (Pacific Sand lance).

The low rock/boulder shores are a mixture of sediment and rock, and are moderately resistant to erosion. They tend to have a limited sediment supply and be stable over a human time scale.

The biodiversity at low rock/boulder shore types depends on the wave exposure and sediment mobility. This shoreline is a low energy exposure site that would be expected to be more stable and can have lush attached communities, including many invertebrate species which live in microhabitats under boulders.

Like sea cliffs, the common upper intertidal zone community includes barnacles, rockweed and blue mussels on stable substrates. Common species include benthic kelps, several species of red algae, and numerous invertebrates such as sea stars, crabs, anemones and others. Bull kelp often is found on immobile substrates.

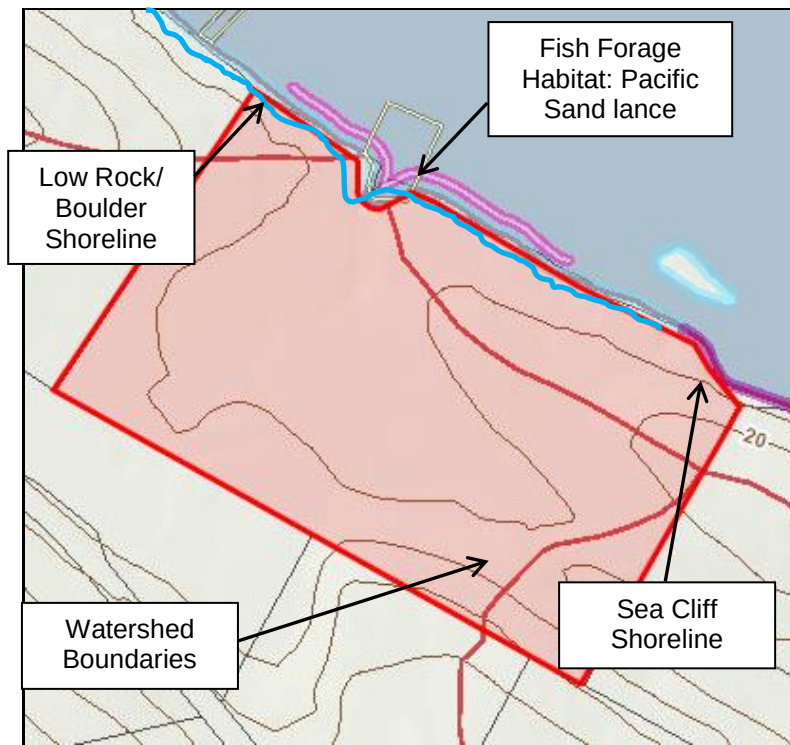
Backshore and riparian vegetation can be a major contributor to slope stability along the high water line, where established root mats help to reduce soil erosion.

Shallow nearshore areas of these shallow sloped rock/boulder shores are important foraging areas for overwinter sea ducks and other waterfowl.

The subject property has portions of four different drainage basins on the property. Drainage from most of the property is directed towards a small bay which is the discharge point of a water basin. A smaller area drains to the south towards Trincomali, the other two areas are non-concentrated drainage basins with overland flow directed toward the shoreline.

There is no new development proposed that may alter the shoreline, and the low bank, relatively level shoreline area appears suitable for low impact recreational uses. The shoreline area surrounding the dock is shown in the photograph below.

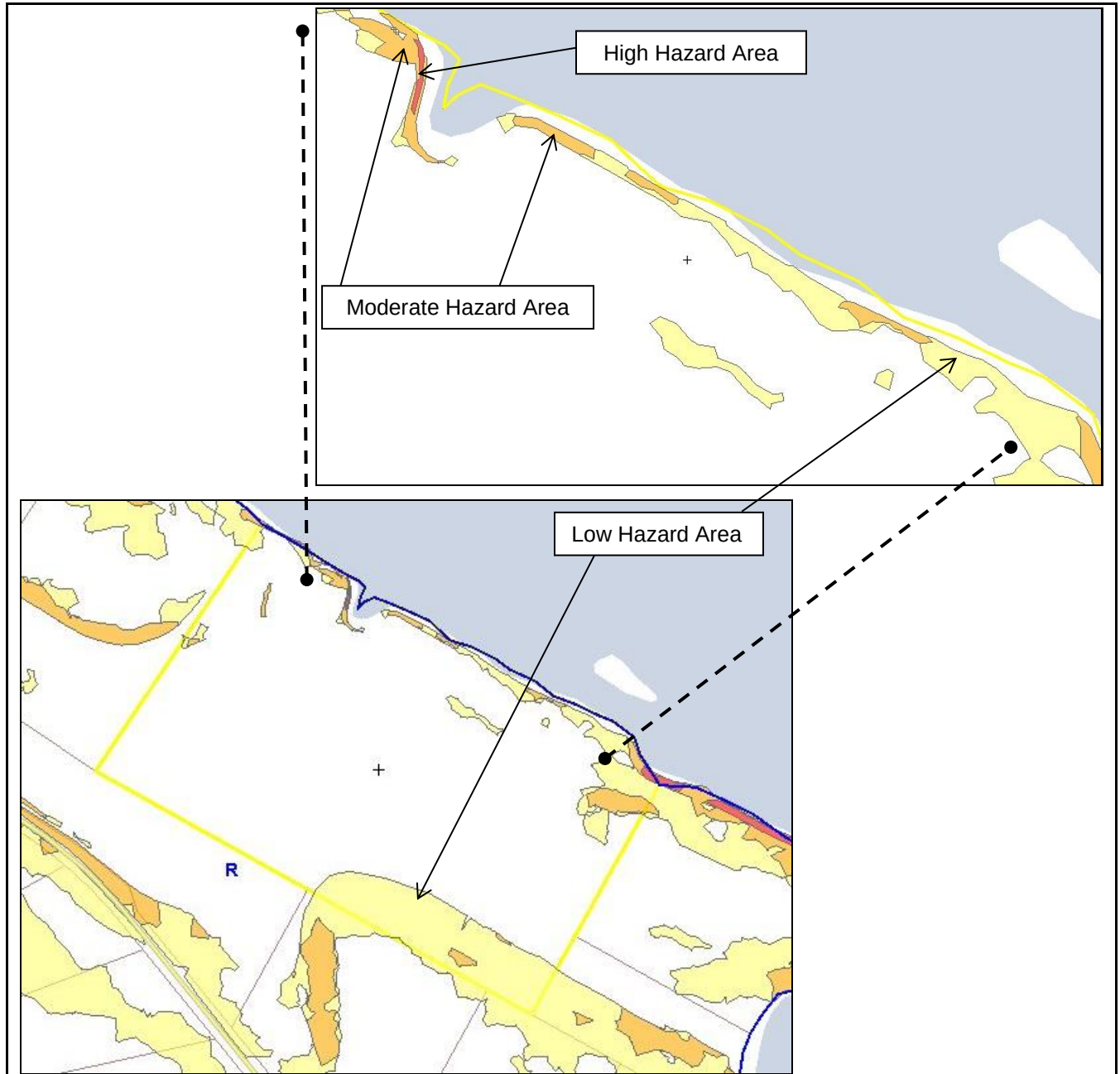
Figure 8: Water Drainage Basins, Forage Fish Habitat and Shoreline Classification



**Photograph 1: Portion of Subject Property Shoreline
Taken from Aerial Shoreline Survey Flight Path 2004**

The applicants have submitted a professional report by MC Wright and Associates to address impacts of the dock on the marine ecosystem. The report can be found in the application's appendix 2, page 156: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>.

Figure 7: Steep Slope Hazard Areas
(Upper Map is of Shoreline Area only)



Most of the property is not identified as having steep slope hazard areas. A relatively large area is located in the southern portion of the property as low hazard, with smaller areas of low, moderate and high hazard abutting the shoreline. The cabins and accessory buildings are located outside of any identified hazard areas.

Archaeological Sites:

There is a significant registered archaeological site on Lot 9, and as such the applicants commissioned an Archaeological Overview Assessment (AOA). The AOA was conducted by Aquilla Archaeology and is dated October 19, 2015. It includes the following recommendations:

Any future plans to disturb subsurface deposits must only be done under a HCA Permit issued by the Archaeology Branch. In 1994, one of the key recommendations was for a covenant to be established on

the property. This is recommended (and not required) by archaeologists as a way of ensuring the archaeological boundaries are put on the title of the property (Parsley, Colleen. Archaeological Overview Assessment of The Timbers, 6901 Shark Road, Pender Island B.C., 2015).

Please see the Application Appendix 1, page 69: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>).

The applicants have advised that a heritage alteration permit is in process with the Archaeological Branch. The applicants are meeting with First Nations representatives from Tsawout Nation and Tseycum First Nation to explain the project proposal.

Covenants:

There is a registered covenant on title in favour of the North Pender Island LTC that specifies a total of three one-family dwellings and three guest cabins are permitted on the property. See the Application Appendix 1, page 10: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>).

There are also easements registered on the properties' titles:

ET45411:

BC Hydro Statutory Right of Way

ETO45410:

Grants Lot 6, Sections 5&21, Plan 1084 (Dominant Tenement) access over Lot 34 (Servient Tenement).

EM107196:

Grants Lot 5, Sections 6&7, Plan 1084 (Dominant Tenement) access over Lot 34 (Servient Tenement).

ED85644 - Grants Lot 9 (Dominant Tenement) access over Lot 8 (Servient Tenement) for utilities and services.

Bylaw Enforcement:

This application has been submitted in an effort for voluntary compliance in order to remedy the remaining bylaw violations the property.

In 2001 a bylaw enforcement file was initiated for the property for operating commercial guest accommodations; the ongoing enforcement file resulted in litigation that was concluded in 2009 in favour of the Local Trust Committee. There was a Flute retreat held in 2011 – enforcement was undertaken to stop the use.

In October 2013, a new bylaw file was opened (NP-BE-2013.11) to investigate the continued use of the Timbers as a resort. Advertising was still up for the resort on the internet and the cabins were being made available to rent by members of the Royal Victoria Yacht Club at an event in 2012 and possibly on an annual basis. Rental of the cabins was confirmed by members of the Yacht Club. File closed in January 2014 after the TUP application was received. In 2014, there was no indication of STVR uses taking place, but a complaint regarding the dock was received and discussions with the owners have resulted in the current application.

Climate Change Mitigation and Adaptation

As there is no new development proposed, opportunities for mitigation or adaptation measures related to construction are limited. The proposed use however would potentially increase greenhouse gas emissions related to increased travel by automobile for both visitors and staff; this is exacerbated by the relatively distant site location from the BC Ferries terminal and other island services. While it would be difficult to control how visitors travel to the island, the LTC could consider opportunities to address how visitors travel

while on-island, such as requiring the owner provide non-motorized or electric vehicle options for their guest for local travel.

Septic Servicing:

The buildings on Lot 9 are serviced with individual septic systems. An inspection of the septic services was conducted by a certified septic inspector on August 5, 2015. The operating system includes three pressure septic fields and three gravity septic fields. There are a number of needed repairs noted in the report. This work is on hold pending the outcome of a site alteration permit from the Archaeological Branch. Please see page 64 in Application Appendix 1: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>

Water Supply:

The property is located near the Trincomali Water District, which is known to have limited groundwater supplies. The applicants are proposing to commission a hydrogeological Assessment and the development of a water management plan for the Timbers, should the LTC entertain further consideration of this proposal. Please see proposal from Active Earth Engineering on Page 105 of Application Appendix 2: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>. There is also a cost estimate for a rainwater catchment system provided on Page 188 in Application Appendix 2: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>

Building Safety:

Occupancy permits from the Capital Regional District for the main house and five cottages are included with the application. Please see page 91 in Application Appendix 2: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>

The applicants have hired a building code consultant to assess the status of the buildings from a building code perspective. The application includes a report from CFT Engineering Inc., dated February 17, 2014. The report states that the buildings are considered residential (Group C), and that the same requirements of the BC Building Code would be applicable to the structures on the property regardless of the length of time for which the buildings are rented or leased. Please see page 52 in Application Appendix 1: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>. (Please note the floor areas in this report are based on old information and are inaccurate. The floor areas provided with the application are the correct ones).

There is a second report with a life safety and fire protection assessment of the Drying Shed, the main building where Timbers' events are located. It indicates an occupancy load of 117 people, but notes that it is understood signs will be posted to limit the occupancy of the building to 50 people. A 50 person occupancy requires two universally designed bathrooms. The report also provides a fire evacuation plan for the Drying Shed. Please see page 54 in Application Appendix 1: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>.

The applicants have also provided a fire checklist from Pender Island Fire Rescue. Please see page 62 in Application Appendix 1: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>.

Traffic:

The applicants have provided an email from Ryan Evanoff at the Ministry of Transportation and Infrastructure confirming that the development of 5 units would only produce an estimated daily trip rate of 10 vehicles; there is no need for a traffic impact assessment for this proposal. It is also not expected that road improvements will be required by MoTI. Please see page 63 in Application Appendix 1: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>.

The proposed use could be expected to increase traffic from either staff or contractors working for the operator, and also by the arrival and departure of guests, it should have minimal impact to the road system.

However, all this traffic moves along the lengthy driveway there could be more immediate impacts to adjacent properties. Pedestrians or cyclists along Pirate's Road may also notice the increase travel, particularly if driving styles are not suitably adapted to the North Pender environment. Encouraging the owner to ensure all guest or staff are respectful of the peaceful, rural environment could establish an accepted norm for the site. This is addressed to some extent in the draft "good neighbour agreement." See below.

Good Neighbour Agreement:

The owners of the property are proposing a "Good Neighbour Agreement" to, in good faith, build relationships with the property's neighbours agree to mutual consideration, respect, and operating standards. The agreement is a voluntary initiative and could not be enforced by the Local Trust Committee. A first draft of this agreement can be found on page 112 of Application Appendix 2: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/>.

COMMUNITY INFORMATION MEETING(S):

Due to the community sensitivity around the previous commercial uses of the property, the owner has been in contact with neighbours, meeting with individuals and small groups to explain the application and get feedback on the proposal. The applicants also undertook consultation with neighbours in the year leading up to the Temporary Use Permit application.

Should the application be advanced by the Local Trust Committee, a Community Information Meeting (CIM) should be held as a next step in accordance with the standard LTC procedures (advertisement, posted notices, record of meeting, public location etc.). The following community consultation steps could be considered:

1. Preliminary Community Information Meeting
2. LTC referral to the Advisory Planning Commission

Pending further favourable consideration by the LTC, and once draft bylaws have been prepared.

3. Second CIM and Public Hearing

The application fee includes one CIM ; any additional CIM would be paid by the applicant through a cost recovery process. The applicant may also choose to host additional meetings.

RESULTS OF CIRCULATION:

The following agencies have been identified for referring draft bylaws for comment; the LTC may also direct staff to include other agencies not listed.

- First Nations:
 - Cowichan Tribes
 - Halalt
 - Lake Cowichan
 - Lyackson
 - Malahat (TE'Mexw Treaty Association)
 - Pauquachin
 - Penelakut
 - Semiahmoo
 - Stz'uminus
 - Tsartlip

- Tsawout
- Tsawwassen
- Tseycum
- Ministry of Forest, Lands and Natural Resource Operations – Crown Lands and Resources
- Capital Regional District Building Inspection
- Island Health
- Archaeology Branch
- CRD, Electoral Area Director
- Pender Island Fire Rescue
- Department of Fisheries and Oceans
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Saturna Island Local Trust Committee
- South Pender Island Local Trust Committee
- Trincomali Improvement District
- Ministry of Community, Sport, and Cultural Development
- Ministry of Transportation and Infrastructure

As mentioned, a referral to the North Pender Island Advisory Planning Commission is an important next step.

ISSUES SUMMARY:

The application engages a number of OCP policies, which can be reviewed in full at page 6 of this report. These OCP policies direct the following considerations:

Re: 2.1.2.2 – Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use.

- This OCP policy refers to land with the Rural designation. While the application requests retaining the Rural zoning and the residential principal use, the vacation rental use as proposed would have to be considered an additional principal use as opposed to accessory uses on the property (the NPI LUB defines accessory uses as “incidental, secondary and exclusively devoted to a principal use”). The number of cottages proposed to be made available for vacation rental uses could not be considered as *incidental, secondary and exclusively devoted to* the residential uses on the property.
- An OCP amendment would be required to amend OCP policy 2.1.2.2, either in whole or to provide an exception for this property, or re-designate all or part of the Lot 9 property as *Tourist Commercial*.
- Alternatively, the proposal could be modified to make the vacation rental uses clearly accessory to the residential use.

Re: 2.4.14 – Tourist oriented or commercial recreational activity shall not be permitted as a principal use on lands suitable for agriculture or in hazardous or environmentally sensitive areas.

- This OCP policy refers to land with the Commercial designation. Should the LTC consider amending the OCP to re-designate the subject property as *Tourist Commercial* there would have to be an evaluation as to the suitability of the land for agriculture and possibly a report confirming the presence or absence of environmentally sensitive areas.

Re: 2.4.17 – No consideration may be given to applications to increase density or to transfer density in the commercial designations without amending this plan.

- Should the OCP be amended to designate the land as Commercial, this policy would also need amending because of the proposal to transfer one density to Lot 9 from Lot 34.

Re: 2.4.4 – Applications for commercial rezoning must prove adequate water supply and waste disposal capability for both present and projected needs.

- This policy would be addressed by the septic upgrades and the proposed hydrogeological study and water management plan should the LTC consider moving the application forward.
- Ensuring adequate water supply and that there be no impacts to groundwater resources is essential criteria to evaluate with this proposal.
- Also ensure compliance with ITPS policy 4.4.2 as this an area with known groundwater quantity issues.

Re: 5.1.4. – Owners of land identified on Schedule C (Sensitive Ecosystems) as containing Mature Forest ecosystems are encouraged to limit tree removal and forestry activities within this important ecosystem.

- This policy could be addressed by way of a restrictive covenant and/or landscape buffer.

Re: 4.2.10 No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

- The professional report by MC Wright and Associates was provided to address impacts of the dock on the marine ecosystem. It may need to be updated to adequately confirm compliance with this policy.

Re: 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.

and

Re: 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 have provided an Archeological Overview Assessment and have engaged an archaeologist to make application for a heritage alteration permit in order to upgrade the septic systems. No further physical works are proposed for the property.
- The LTC could request the archaeological resources be protected by a covenant.

STAFF COMMENTS:

This is a preliminary report to introduce a rezoning application for the Timbers and get initial direction from the Local Trust Committee on the merits of the proposal. The rezoning request is to retain the principal residential uses of the properties, and to add one residential density and short term vacation rentals uses to a zoning amendment for Lot 9, to reduce one dwelling unit density from Lot 34, and to rezone the water zone to permit a larger dock and gate house structure in the foreshore.

The proponents have provided background information and a number of technical reports with the application package. The documents were provided to offer detail on the current state of the properties and inform the discussion of the proposal. Should the Local Trust Committee advance the application, there may be more information requested under the authority of the North Pender Island Development Approval Information Bylaw. This would be addressed in a subsequent report.

This application has been carefully prepared to address long standing compliance issues on the Timber's property. With the commercial rental of five cabins and a maximum occupancy of 117 during special events, the short term vacation rental use is not proposed to be a large scale resort. There seems to be both support and opposition to the Timbers in the community, and consultation through a community information meeting is an important next step. While not a regulatory matter, the "good neighbour agreement" demonstrates commitment to a cooperative approach with the community. As presented, this application triggers the need for an Official Community Plan amendment to several policies. Some issues are technical in nature and can be addressed or mitigated, but other issues are basic community principles that have been enshrined in the community plan. At this preliminary stage, the Local Trust Committee should contemplate the essential question of whether the uses proposed are appropriate for the location, a willingness to consider amending the Official Community Plan, and whether this application should be considered further.

Next Steps:

At this time staff is seeking direction from the LTC on how to proceed. Options include:

- Direct staff not to proceed, this would be appropriate if the LTC realized at this stage of the process that it does not support amending the OCP policies
- Direct staff to proceed with the application but also direct staff to proceed with a reduced scale than requested and/or with specific conditions to be included.
- Direct staff to proceed with the application as presented.

If the LTC sees merit in proceeding, the following next steps should be pursued:

- Early referral to First Nations
- Community Information Meeting #1
- Referral to the Advisory Planning Commission

Further steps would involve the following sequencing should the LTC pursue the application to bylaw adoption:

1. Second Staff Report summarizing results of early consultation and identifying additional information/professional reports that might be needed to support LTC consideration.
2. Draft Bylaw presented to LTC for consideration of First Reading
3. Formal referral to agencies and First Nations
4. Community Information Meeting #2
5. Second Reading considered by Local Trust Committee
6. Public Hearing
7. Third Reading considered by Local Trust Committee
8. Islands Trust Executive Committee consideration
9. Consideration by Ministry of Community, Sport, Cultural Development (assuming OCP amendment)
10. Consideration of Adoption by Local Trust Committee

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee request staff to schedule a Community Information Meeting for NP-RZ-2015.1 (Colliers International).
2. THAT the North Pender Island Local Trust Committee refer application NP-RZ-2015.1 (Colliers International) to the North Pender Island Advisory Planning Commission.
3. THAT the North Pender Island Local Trust Committee request staff to undertake a preliminary referral of NP-RZ-2015.1 (Colliers International) to affected First Nations.

Prepared and Submitted by:

Justine Starke

Island Planner

Concurred in by:


Robert Kojima
Regional Planning Manager

January 12, 2016

Date

January 14, 2016

Date

8. CORRESPONDENCE

None

9. APPLICATIONS, PERMITS, AND REFERRALS

9.2 NP-TUP-2014.1 (Collier)

Regional Planning Manager (RPM) Kojima noted the April 16, 2014, Memorandum, which provided an update on Temporary Use Permit application NP-TUP-2014.1 (Colliers). This application was to allow commercial guest accommodation on the property known as “the Timbers”. At their January 30 meeting, the Local Trust Committee requested various items of information from the applicant, many aspects of which had now been provided (some very recently and therefore not yet reviewed by staff). Staff had also provided all community correspondence received to date. RPM Kojima noted that this was unsolicited correspondence, in the sense that the Trustees had not yet done any public notification and request for comment.

Alex Conconi and Justen Harcourt were present for the applicant, and firstly explained why they believed the hydrological information provided was sufficient. They also noted that it was taking them longer than expected to provide the degree of detail and professional opinions requested by the Trustees.

Trustees Steeves and Hancock did not believe the hydrological information provided was sufficient to support the proposed commercial uses, because there had been no well drawdown test, the estimate of required water use per person was very low, not all of the proposed uses were addressed, and there was no information about the potential negative impact on neighbouring wells.

Trustee Steeves expressed various concerns about the application: technical/land use planning issues such as hydrology (see above); a first legal issue with the applicant’s number of dwellings appearing to exceed the density allowed by a covenant with the Local Trust Committee (5 dwellings instead of 3, plus cottages); a second legal issue with the dock (see below); a third legal and liability issue re: the Timbers access road being over neighbouring property and for “residential” use only; other neighbor issues, i.e. adjacent landowners being opposed to the proposed commercial uses; and also the fundamental issue of the Timbers property not appearing to be an appropriate rural/residential location for the proposed commercial accommodation resort.

Trustee Hancock expressed various concerns about the application: the current site plan being incomplete; weddings and banquets appearing to be a proposed commercial use, but not yet included in the temporary use permit application or hydrology analysis (and also opposed by neighbours); the large dock with a structure on it being subject to a bylaw enforcement complaint for non-compliance; close neighbours being in longtime opposition to the proposed uses, and any supportive letters being from farther away; Official Community Plan and Land Use Bylaw provisions that made stronger neighbourhoods a priority, along with rural lifestyle; wider community opposition to the proposed uses, over a number of years; gaps in the information provided, but a reluctance to suggest that the applicant spend more time and money on it since Trustee Hancock felt the above factors could prevent him from being comfortable with the application; and limits on Islands Trust ability to enforce the detailed temporary use permit conditions likely required, meaning that neighbours would (unfairly) have to do this.

Chair Luckham also expressed concerns: this being a temporary use permit application rather than a rezoning application, which put a burden on Island Trustees and Staff to make decisions without full information and discussion; not enough information having yet been provided by the applicant; and a temporary use permit not being the right tool to support this ongoing use.

Justen Harcourt and Alex Conconi (for the applicant) said that they were surprised by some of the above concerns, and did their best to address them.

RPM Kojima noted that the Local Trust Committee could make a decision at any time for a particular application to proceed no further.

NP-2014-042

It was MOVED and SECONDED, by the North Pender Island Local Trust Committee, that temporary use permit application NP-TUP-2014.1 (Colliers) proceed no further.

CARRIED (unanimously)

Note: See also Trustee comments under item 13. Town Hall (below).

A break then occurred, from approximately 12:03 to 12:21 pm.

9.3 NP-RZ-2012.2 (Clam Bay)

Regional Planning Manager (RPM) Kojima summarized the April 15, 2014, Staff Report for rezoning application NP-RZ-2012.2 (Clam Bay Farm): that as requested, the report attached Draft Bylaw No.195 (to amend the Land Use Bylaw), and Draft Bylaw No.197 (to amend the Official Community Plan). The report also attached two draft covenants, a mitigation plan regarding construction traffic and a veteran tree and an expanded farm plan. The Draft Bylaw No.195 included a maximum floor area of 300 m² (7535 ft²) for the main dwelling.

STAFF REPORT

Date: January 15, 2016 **File No.:** 6500-20-Waste Management

To: North Pender Island Local Trust Committee
For the meeting of January 28, 2016

From: Justine Starke, Island Planner, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: **Top Priority Update: Land Use Planning for Waste & Resource Management**

Background

The issue of where to locate waste transfer facilities on the Penders has a long standing history and in recent years opposition to specific rezoning proposals have resulted in high tensions and conflictual community debates. In response to community calls for a comprehensive approach to planning for waste and resource management, the Local Trust Committee made this topic a top priority in early 2015.

The Waste and Resource Management Special Advisory Planning Commission (WRMC) was established to research best practices, conduct community analysis, and give advice on the ideal locations and preferred scope of waste management that should be pursued on the Pender Islands. Specifically, the objectives include:

- To develop criteria for siting waste transfer facilities
- To inventory existing industrial land.
- To reach community consensus on the location and scope of waste management on NPI
- To map proposed locations for current/future waste management facilities.
- Collaboration with CRD to ensure a comprehensive understanding and approach.

It has been difficult for the Commission to make progress on its mandate while being challenged by procedural concerns of bias. An undercurrent of anxiety regarding the outcome of the open rezoning applications on specific properties has caused tension amongst Commission members, as well as by community participants observing the process. The WRMC has experienced some internal struggles related to such concerns and with divisions over some members support for a formal appeal of the [Agricultural Land Commission's 2014 decision](#) to permit waste transfer as a non-farm use at 4606 Razor Point Road (the site of the Pender Island Waste Management application). This appeal was launched by 6 community members, 2 of whom sit on the Commission.

In response, on November 26 2015, the Local Trust Committee went in-camera to discuss the WRMC membership. The LTC rose and reported that it had passed the following resolution:

THAT, given the recorded difficulties with the conduct and progress of the Waste and Resource Management Commission, the North Pender Local Trust Committee requests staff to report on alternative options for examining the waste management process issues on island in the event it is necessary to dissolve the Waste and Resource Management Commission. CARRIED

Update

There have been a number of pieces of correspondence directed to the Local Trust Committee on this issue. In accordance with procedures, much of the correspondence is being posted on the Islands Trust website. Minutes of meetings are also available and offer a more thorough background to the process. <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/projects-initiatives/waste-management/>

The WRMC has made much progress since the November 26 LTC meeting. It has held two special meetings (January 4 2016 and January 15) with facilitated planning sessions to set land use criteria for waste management. The sessions were facilitated by a volunteer from the commission and enabled a less formal forum for deliberations than the Commission had had up until this point. The sessions were very productive and demonstrated the potential for the commission to be able to work through some of the difficult analysis required for this land use planning exercise. The minutes of both meetings are included in the January 28 2016 agenda package (note the minutes of January 15 are still draft).

Land Use “criteria” are needed to be able to distinguish between different locations with a common understanding of the land characteristics required to best mitigate potential impacts. Using flip charts, criteria were brainstormed and categorized into broad areas of impact: Environment, Location, Size, and Agriculture. Ideas that were considered important but were not useful in establishing the criteria to select ideal locations were placed in a “Parking Lot” or on a sheet labeled “Possible Regulations;” whenever it became clear there were underlying assumptions at play, those assumptions were also discussed and recorded separately.

It became evident that the planning process needs to be based on community and operator preferences for what level of service is appropriate and needed for the Penders. To that end, the Commission began to imagine five scenarios that would require different criteria for land use impacts (scenarios range from the “full meal deal” where one site accommodates the full spectrum of waste/resource management to drop off sites only, with no transfer, sorting, or storage). The Commission plans at its next meeting to classify the criteria and rank them according to which would be relevant for which scenarios, and attempt to reach agreement where there are differences of opinions. The Commission has also indicated it will then be ready to bring this to a community consultation session to get public feedback on the work done so far.

Discussion of Options

At the request of the LTC, this report presents options for pursuing project objectives in the event that it decides to dissolve the Waste and Resource Management Special Advisory Planning Commission. The Local Trust Committee has a remaining budget of approximately \$1500 for the rest of the 2015-16 fiscal period (ends March 31, 2016). It has requested \$7000 from Trust Council for this project in the upcoming 2016-17 fiscal term. A change in approach to this planning process may require additional budgets be explored.

The follow options are available to the Local Trust Committee for pursuing land use planning for waste and resource management:

1. Planning staff lead a community based land use planning process
 - Using workshops, continue the work of the Commission, but in the form of general community meetings rather than meetings of the Commission
 - Use a structured approach to objectively evaluate land criteria and community needs for waste management.

- Draw on other participatory tools of engagement such as clickers, questionnaires, and community mapping exercises.
 - Schedule 3 – 4 community sessions
 - Final report and recommendations be developed by planning staff
 - This option requires more staff resources than currently anticipated with the special APC model, also more local trustee time and involvement.
2. Engage a consultant to facilitate a structured decision making, community-based, land use planning process
 - Develop Request for Proposal or Direct Award a contract to have some work completed this fiscal year, with the majority of the work being conducted in the 2016-17 fiscal
 - Consultant to design process, host community meetings, and develop final report and recommendations.
 - This option would require additional budget to support objectives
 - The process to go to tender and award a contract for consultant work can take up to six weeks, and a consultant would require time to become informed on the context of the issue and the points of concerns within the community.
 3. Conduct a hybrid process with planning staff and consultant
 - Planning staff to design and facilitate basic processes
 - Consultant to facilitate “structured decision making process” at strategic intervals.
 - Consultant to write final report and recommendations, with background information and input from staff.
 - This option may involve more staff time and more budget than is currently assigned.
 4. Re-assign project to the regular Advisory Planning Commission with a narrow scope:
 - The APC would consider the work done to date by the WRMC
 - Refine or endorse the land use criteria established by the WRMC, or establish new criteria.
 - Make recommendations on land use criteria to take to a community process with the broader community or to use to evaluate current zoning applications
 5. Put the community planning process on hold pending outcome of the Agricultural Land Commission’s reconsideration of the Burdett application [NP-ALR-2012.1](#)
 - Consider deciding on [NP-RZ-2012.1 \(Pender Island Waste Management\)](#) and [NP-RZ-2013.1 \(Henshaw\)](#) before continuing with a community wide process.
 - One advantage is that these two sites have already been offered to be used for waste management and are being proposed by operators. A flaw in the broader process the WRMC has been following is the resulting recommendations may point to properties where the owners have no intention of hosting a waste transfer site.
 - LTC could host community consultation sessions for information on the rezoning proposals, perhaps concurrently.
 - This would enable discussion and focus on the source of the tensions that have been underlying and derailing the WRMC process.
 - This would also enable the two sites to be either ruled in, or out. If both were considered viable, there could be supportive and complimentary zoning amendments.
 - If needed, consideration of other sites through a broader process could follow, once decisions were made on the two already proposed.

Staff Comments

The intent of appointing a Special APC to do this work was to have the land use planning process emerge from the community itself. The Commission is intended to be representative of the community; the idea was that the Commission would itself host wider community consultation and planning processes.

The LTC consciously chose the Commission's membership with an awareness of the conflicts that were inherent within it. However, the Commission was not at the same time supported with an appropriate process to ensure its success given the conflicts on the Commission. Robert's Rules provide a commonly understood structure for meeting procedures, but fall short of encouraging a sense of common ground nor do well to resolve existing divisions - and it can favour those with more experience who may end up dominating the process.

As a legislative body of the Local Trust Committee, the Commission is required to follow Islands Trust, Local Government Act, and Community Charter procedures. The deliberations have been most effective when the meeting format has allowed free flowing discussion without the procedural correctness demanded by a formal meeting format. Community wide planning forums similar to the brainstorm sessions had by the Commission are a productive way to keep the conversation focused on considering island wide implications.

An essential problem underlying any conversation about zoning for waste management is the uncertainty regarding the rezoning applications currently on hold. Without a decision on these sites, the discussion seems to be unduly influenced by consideration of implications for those specific sites. Any process the LTC chooses to do this community planning work will be influenced by the strong opinions and heightened emotions around these issues that we have seen play out during the Commission meetings.

Prepared and Submitted by:

Justine Starke, Island Planner
Local Planning Services

January 15, 2016

Name, Title
Concurred in by:

Date



January 15, 2016

Robert Kojima
Regional Planning Manager

Date

**Top Priorities****North Pender Island**

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Land Use Planning for Waste Management	Identify land to be zoned for solid waste transfer facilities through a Special Advisory Planning Commission. Involves coordination with the Capital Regional District Solid Waste Management planning process.		Justine Starke		On Going
2	Housing	This is a broad scope project focused on housing; the first priority is consideration of vacation rentals in residential zones.	03-Feb-2015	Justine Starke		On Going
3	Age and disability friendly communities	Conduct an age friendly plan for North Pender Island. Contract consultant leading project, coordinated by IT Staff.	22-May-2014	Justine Starke	31-Dec-2015	On Going

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

No.	Description	Activity	Received/Initiated	Status
1	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	On Going
1	Conservation Subdivisions	Continue exploring 2013-2014 work on conservation subdivisions. Consult with community on recommendations for LUB and OCP amendments.	03-Feb-2015	On Going
1	Potable Water			On Going
2	Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	22-Jan-2009	On Going
3	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	On Going
4	Agricultural Building Watercourse Setbacks		28-Jul-2011	On Going
5	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	22-Feb-2012	On Going

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

No.	Description	Activity	Received/Initiated	Status
6	LUB Amendments	·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	On Going
7	Road Side Signs		26-Apr-2012	On Going
8	Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	28-Jun-2012	On Going
9	LUB/OCP Amendments Related to Roadway and Transportation Initiatives	·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	On Going



Projects

North Pender Island

No.	Description	Activity	Received/Initiated	Status
10	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.			On Going
11	Shoreline information communications (QR Codes)	Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones		On Going



Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2015.3	RAE, Christopher Davie	08-May-2015	4605 BEDWELL HARBOUR RD To make the building more aesthetically pleasing.

Planner: Phil Testemale

Planning Status

Status Date: 22-Dec-2015

DP amendment received. See xref file NP-DP-2015.6

Status Date: 07-Oct-2015

Applicant has not paid Landscape LoC

Status Date: 07-Oct-2015

Applicant has indicated that will not be proceeding with construction and will amend approved DP

File Number	Applicant Name	Date Received	Purpose
NP-DP-2015.4	PIERRE-YVES G BEAUVAIS HEATHER C BEAUVAIS	09-Oct-2015	4721 BUCCANEERS RD To create a building site for new dwelling.

Planner: Phil Testemale

Planning Status

Status Date: 18-Jan-2016

Staff Report and Permit drafted and on Jan 28 LTC Agenda for consideration

Status Date: 19-Nov-2015

RAR assessment being revised (with geotechnical) to address scale of proposal

Status Date: 09-Oct-2015

opened file, gave to planner, processed fee, notified LTC

File Number	Applicant Name	Date Received	Purpose
NP-DP-2015.5	JOHN R BOWERS	05-Nov-2015	3769 PRIVATEERS RD

To construct a single family dwelling within DPA (sensitive ecosystem area)

Applications

Planner: Phil Testemale

Planning Status

Status Date: 19-Nov-2015

Applicant is contracting a biologist to complete application

File Number	Applicant Name	Date Received	Purpose
NP-DP-2015.6	c/o Dorothy Murdoch	24-Dec-2015	4605 BEDWELL HARBOUR RD

Changes to door entrance, roof on bottle cage, close off plant storage area at Driftwood Centre.

Planner: Phil Testemale

Planning Status

Status Date: 18-Jan-2016

Permit and Staff Report drafted and on Jan 28 LTC Agenda for consideration

Status Date: 23-Dec-2015

opened file, gave to planner

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2015.5	DE RUITER, GEOFFREY	29-Apr-2015	4617 SAILOR EASEMENT

To build a tree house.

Planner: Phil Testemale

Planning Status

Status Date: 14-Jan-2016

Applicant requested that the application be deferred to Feb 25 LTC meeting

Status Date: 05-Jan-2016

Applicant has now applied for a BP for SFD on property.

Status Date: 05-Jan-2016

Variance application reactivated for height of accessory building.

**Applications**

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2015.7	JEAN H DESCHENES	03-Nov-2015	37148 SCHOONER WAY

Obtain a DVP to permit use of existing structures.

Planner: Phil Testemale

Planning Status

Status Date: 19-Jan-2016

Bylaw inspected today and no evidence of habitation in accessory building.

Status Date: 19-Jan-2016

Staff Report with Attachments on Agenda for consideration

Status Date: 05-Jan-2016

DVP on Jan 28 LTC agenda

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2016.1	Heath Lansdowne Design Studio	11-Jan-2016	2655 GALLEON WAY

To reduce the front and exterior side lot setbacks to 3 metres each.

Planner: Phil Testemale

Planning Status

Status Date: 12-Jan-2016

opened file, processed fee, gave to planner, forwarded to LTC.

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2012.1	Michael and Anne Burdett	09-Nov-2012	Waste transfer/sorting facility with commercial recycle & composting

Planner: Justine Starke

Planning Status

Status Date: 04-Mar-2015

LTC put application on hold pending outcome of community wide waste management land use planning process.

Applicant invited to make application for TUP.

Applications

Status Date: 22-Jan-2015

LTC defers consideration of rezoning pending Work Program discussion at Feb 3rd special meeting

Status Date: 13-Jan-2015

Staff report prepared for January 22 2015 meeting

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2013.1	Ron Henshaw	18-Jan-2013	3418 SOUTH OTTER BAY RD - applies to portion of property with 4402 Otter Bay Rd address Allowing for present use (gravel storage & sales; construction debris, and sorting & recycling & transfer of materials & garbage).

Planner: Justine Starke

Planning Status

Status Date: 11-Mar-2015

Email correspondence advised applicant LTC will be considering putting application on hold pending outcome of community process for waste management. Application to be put on next available agenda.

Status Date: 13-Jan-2015

Met with applicant to discuss; applicant to continue to fulfill conditions set by previous staff and LTC

Status Date: 27-Nov-2014

Emailed applicant requesting status update

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2014.1	0697595 BC LTD (Philpot)	07-Jul-2014	7950 Plumper Way Amend the LUB for the maximum water area that may be covered by floats and wharfs.

Planner: Justine Starke

Planning Status

Status Date: 29-Oct-2015

Covenant accepted by LTC

Status Date: 08-Sep-2015

EC approval

**Applications****Status Date:** 30-Jul-2015

Bylaw given Third Reading and referred to EC

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2015.1	Colliers International Consulting	29-Oct-2015	6901 SKARK, 6906 & 6902 PIRATES

Proposed bylaw amendment that will predominantly retain the existing zoning and land uses while adding site specific regulations.

Planner: Justine Starke**Planning Status****Status Date:** 03-Dec-2015

amended application received

Status Date: 19-Nov-2015

Planning review underway

Status Date: 03-Nov-2015

opened file, processed fee, notified LTC, gave to planner

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.1	Mainroad South Island Contracting	11-Jan-2016	3323 PORT WASHINGTON RD

To change from a TUP to a permanent zoning for a highway works yard.

Planner: Phil Testemale**Planning Status****Status Date:** 12-Jan-2016

emailed applicant (auto reply out of office) until Jan 20 to provide title searches.

Status Date: 12-Jan-2016

titles received, sent to LTC, gave file to planner

Status Date: 12-Jan-2016

cc General Manager Rick Gill in communications - see Applicant Tab

Subdivision

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------



Applications

NP-SUB-2014.2 Ene Haabniit 09-Jul-2014 4446 HOOSON RD and 5431 HOOSON RD

To create a boundardy adjustment between 4446 and 5431 Hooson.

Planner: Phil Testemale

Planning Status

Status Date: 19-Nov-2015

Applicant contacted in late September. On hold pending hiring a consultant.

Status Date: 03-Sep-2015

Called applicant and left message. Awaiting response from applicant and application for Development Permit. PT

Status Date: 03-Jun-2015

E-mailed owner requesting information on applying for DPs

Islands Trust
LTC EXP SUMMARY REPORT F2016
Invoices posted to Month ending December 2015

650 North Pender	Invoices posted to Month ending December 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	1,500.00	414.10	1,085.90
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	2,750.00	2,655.00	95.00
65210-650	LTC - Local Exp - APC Meeting Expenses	750.00	465.18	284.82
65220-650	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-650	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>4,550.00</u>	<u>3,120.18</u>	<u>1,429.82</u>
Projects				
73001-650-4047	North Pender Age Friendly Community Plan	2,500.00	16,467.68	-13,967.68
73001-650-4054	North Pender Waste Management Review	3,250.00	1,579.36	1,670.64
73001-650-4055	North Pender Housing Review	3,250.00	337.75	2,912.25
TOTAL Project Expenses		<u>9,000.00</u>	<u>18,384.79</u>	<u>-9,384.79</u>

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	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: 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. 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;
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.				