



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: June 26, 2014
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 - 10:00 AM |
| 2. | Approval of Agenda | |
| 2.1 | Additions/Deletions | |
| 2.2 | Questions from the public on Agenda Items | |
| 3. | Community Information Meeting | 10:00 AM - 10:15 AM |
| 3.1 | Bylaws No. 195 & 197 re: NP-RZ-2012.2 (Clam Bay Farms) | |
| 4. | Public Hearing | 10:15 AM - 10:30 AM |
| 4.1 | Bylaws No. 195 & 197 re: NP-RZ-2012.2 (Clam Bay Farms) | |
| 5. | Previous Meetings | 10:30 AM - 11:00 AM |
| 5.1 | Local Trust Committee Minutes | |
| 5.1.1 | North Pender Local Trust Committee Meeting Minutes of May 22, 2014 (attached) | 4 - 11 |
| | For Consideration to Adopt | |
| 5.2 | Public Hearing Records and Community Information Meeting Notes to be Received | |
| | none | |
| 5.3 | Section 26 Resolutions-without-meeting | |
| | none | |
| 5.4 | Advisory Planning Commission/Task Force to be received | |
| | none | |

6.	Business Arising from the Minutes	
6.1	Follow-up Action List (attached)	12 - 13
	FUAL Report dated June 2014	
7.	Delegations	
	none	
8.	Correspondence	
	[correspondence received concerning applications and/or projects is considered with the applications/projects]	
8.1	May 18, 2014 Letter from D. Perch re: Submission Recorded in May 21, 2014 Minutes (attached)	14 - 14
9.	Applications, Permits, Bylaws and Referrals	11:00 AM - 12:00 PM
9.1	North Pender Island Local Trust Committee Proposed Bylaws No. 195 & 197 - Memo (attached)	15 - 23
9.2	NP-RZ-2012.1 (Burdett) - Staff Report (attached)	24 - 55
9.3	NP-TUP-2014.2 (Bigham) - Staff Report (attached)	56 - 66
10.	Local Trust Committee Projects	
10.1	Conservation Subdivision Project Charter Update (attached)	67 - 68
	----- BREAK -----	12:00 PM - 12:15 PM
11.	Reports	12:15 PM - 1:00 PM
11.1	Work Program Report	
11.1.1	Work Program Report dated June 2014 (attached)	69 - 71
	Projects List Update - Memo (attached)	
11.1.2	Federal Marihuana for Medical Purposes Regulations (attached)	72 - 79
11.2	Applications Report (attached)	80 - 83
	Applications Report dated June 2014	
11.3	Bylaw Enforcement	
	none	
11.4	Expense/Budget Reports (attached)	84 - 84
	LTC Expense Report dated May 2014	
11.5	Adopted Policies and Standing Resolutions (attached)	85 - 85

11.6 North Pender LTC Web Page

The North Pender Island Local Trust Committee
Web Page can be found at:

www.islandstrust.bc.ca/islands/local-trust-areas/north-pender

11.7 Chair's Report

1:00 PM - 1:30 PM

11.8 Trustee Report

12. Other Business

12.1 Upcoming Meetings

The next meeting of the North Pender Island Local
Trust Committee will be held on August 28, 2014.
at 9:45 am, at the Pender Island Community Hall.

**12.2 SGIEDC Food and Agriculture Strategy Briefing -
Jeff Weightman, CRD Project Manager (attached)**

86 - 86

13. Town Hall Meeting

1:30 PM - 2:00 PM

14. Adjournment

2:00 PM - 2:00 PM



DRAFT

**Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee**

North Pender Island Local Trust Committee Minutes of a Regular Business Meeting

Date of Meeting: Thursday, May 22, 2014
Location: Pender Island Community Hall
4418 Bedwell Harbour Road
North Pender Island, BC

Members Present: Peter Luckham, Chair
Gary Steeves, Local Trustee
Ken Hancock, Local Trustee

Regrets: None

Staff Present: Robert Kojima, Regional Planning Manager
Justine Starke, Island Planner
Shannon McConchie, Recording Secretary

Media and Others Present: There were fifteen (15) members of the public present.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:45 a.m. Introductions were made and Chair Luckham acknowledged that the meeting was being held on the traditional territory of the Coastal Salish Nation.

2. APPROVAL OF THE AGENDA

2.1 Additions and Deletions

The following additions to the agenda were presented for consideration:

12.2 Southern Gulf Islands Agricultural Plan Update for May 15

By general consent, the agenda was approved, as amended.

2.2 Questions from Public on Agenda Items

None

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARING

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes

5.1.1 North Pender Island Local Trust Committee Meeting Minutes of April 24, 2014

The April 24, 2014, minutes were amended as follows:

9.2 paragraph one, that “therefore not reviewed” be amended to read “therefore not yet reviewed by staff”.

9.2 paragraph three, that “insufficient” be amended to read “no”.

By general consent, the North Pender Island Local Trust Committee Meeting Minutes of April 24, 2014 were adopted as amended.

5.2 Public Hearing Records and Community Information Meeting Notes received.

5.2.1 North Pender Island Local Trust Committee Public Hearing Record of April 24, 2014

By general consent, the North Pender Island Local Trust Committee Public Hearing Record of April 24, 2014, as presented, was received.

5.2.2 North Pender Island Local Trust Committee Community Information Meeting Notes of April 24, 2014

By general consent, the North Pender Island Local Trust Committee Community Information Meeting Notes of April 24, 2014, as presented, was received.

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commissions / Task Force to be received.

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action List

Regional Planning Manager (RPM) Kojima provided information from the Follow-up Action Report dated May 14, 2014.

Trustee Hancock asked for background information regarding Item 10.1 LUB Technical Amendments Project. RPM Kojima reviewed the item and noted that the LTC's progress is waiting on the pending staff report.

NP-2014-054

It was MOVED and SECONDED,
that the North Pender Island Local Trust Committee Land Use Bylaws Technical Amendments Project be removed from the Follow-up Action List and added to the Projects List.

CARRIED

7. DELEGATIONS

7.1 John Hastings re: Einar's Hill Bypass

Jon Hastings addressed the Moving Around Pender (MAP) project for Einar's Hill Bypass and, in addition to asking for a public meeting on the project, he noted the following concerns:

- A lack of information to the property owners and neighbours.
- Such land use could increase the risk of fire in an area where fire suppression is difficult or impossible.
- Lack of clarity on who will carry liability.

Chair Luckham noted that the Einar's Hill Bypass is not an LTC project.

Niall Parker spoke on behalf of MAP and explained that the goal of the bypass is to get people out of cars and improve safety for cyclists. He noted that a Ministry of Transportation and Infrastructure (MOTI) statutory right of way already grants access for the bypass.

There was discussion on the project and the following points were raised:

- Licence to occupy protocol provides guidance for notifying neighboring property owners by registered mail.
- A survey should be considered prior to mailing any communications.
- The environmental impact of the bypass has not been fully addressed
- The community may not have a full understanding of who the project stakeholders and decision makers are.

Sara Steil, director of Pender Islands Trust Protection Society read a statement and submitted copies to the public record. The statement noted the following points:

- A multi-use trail may draw small motor vehicle traffic
- The area's fragile eco-system will be put at risk
- Fire protection in the area is not adequate.
- An alternative of developing the shoulder of Einar's Hill, instead of a separate trail, could be considered.
- The safety of Einar's Hill, in general, should be addressed.

Tony Bachmeier commented that although there are lines on the map indicating that there is a public road, no such road exists until the government puts money into it.

8. CORRESPONDENCE

8.1 Letter from Peter Pare re: Amendment to Magic Ferry Designated Route

Chair Luckham noted that given the overlap this item would be addressed in conjunction with item 7.1.

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 NP-ALR-2014.1 (Piskor) Staff Report

Planner Starke reviewed the application and stated the recommendation.

NP-2014-055

It was MOVED and SECONDED,

THAT the North Pender Island Local Trust Committee forward application NP-ALR-2014.1 (Piskor) to the Agriculture Land Commission for review and THAT the North Pender Island Local Trust Committee supports the proposal as it improves the viability of the farm without compromising agricultural capacity.

CARRIED

9.2 NP-RZ-2012.2 (Clam Bay) Memo

NP-2014-056

It was MOVED and SECONDED,

That North Pender Island Local Trust Committee has reviewed and agreed with the Islands Trust Directive Policy Checklist as attached to the memo dated May 13, 2014.

CARRIED

NP-2014-057

It was MOVED and SECONDED,

That North Pender Island Local Trust Committee enters into a cost recovery for the legal services review in order to review the temporary and permanent covenants associated with NP-RZ-2012.2 application.

CARRIED

9.3 North Pender Island Local Trust Committee Proposed Bylaw No.194

NP-2014-058

It was MOVED and SECONDED,

That Bylaw No. 194, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2014", be adopted.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Conservation Subdivision

Planner Starke provided a verbal update on the Conservation Subdivision workshop that is tentatively scheduled for June 14, 2014.

11. REPORTS

11.1 Work Program Report & Memo

Trustee Hancock described the progress on the Shoreline Review Project. He noted that the brochure, "Shoreline Matters", had been created and a discussion was had regarding distribution of the brochure.

NP-2014-059

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee request staff to mail out the Shoreline Matters brochure to North Pender waterfront properties.

CARRIED

NP-2014-060

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee request that the Shoreline QR Code Project be placed on the projects list.

CARRIED

NP-2014-061

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee remove the Land Use Bylaw Amendments from the Top Priority list.

CARRIED

Trustee Hancock introduced a new potential project titled "Age and Disability Friendly Communities". A discussion ensued regarding the scope of the project and the viability of a new project at this point in the Trustees' term. The Trustees concluded that the project could begin with a narrow focus of addressing accessible parking on the island.

NP-2014-062

It was MOVED and SECONDED,

That the North Pender Local Trust Committee add Age and Disability Friendly Community Planning to the Top Priorities List with an initial focus on review of disability parking and access issues in the commercial and community services zones.

CARRIED

11.2 Applications Report

Planner Starke reviewed the Applications Report dated May 2014.

11.3 Bylaw Enforcement Reports

None

11.4 Expense/Budget Reports

The March 2014 Local Trust Committee Expense Report was available.

11.5 Adopted Policies and Standing Resolutions

Presented for information

11.6 North Pender LTC Web Page

The North Pender Island Local Trust Committee website can be found at:

www.islandstrust.bc.ca/islands/local-trust-areas/north-pender

11.7 Chair Report

Chair Luckham spoke briefly, noting that the Community Stewardship Awards are foremost in his mind.

11.8 Trustees Report

Trustee Steeves provided an update regarding the realtor signage initiative. He reported that although he had contacted all island realtors with an offer to convene a meeting, there did not appear to be enough interest to move forward.

Trustee Hancock provided an update regarding his attempts to address community concerns with safety on Einar's Hill. He also noted that the Pender Island Library Society hosted a discussion of Island's Trust at which he presented a Power Point. Trustee Hancock concluded by sharing that he had attended the Southern Gulf Island's Economic Development Committee meeting. A highlight from the meeting was that a draft study was presented regarding economic challenges and opportunities in the Southern Gulf Islands.

12. OTHER BUSINESS

12.1 Upcoming Meetings

The next meeting of the North Pender Island Local Trust Committee will be held on Thursday, June 26, 2014, at 9:45 a.m. at the Pender Island Community Hall (Upstairs).

12.2 Southern Gulf Islands Agricultural Plan Update for May 15

Discussion ensued regarding whether Pender Island would have a representative involved in the Southern Gulf Islands Agricultural Plan.

Barbara Johnstone-Grimmer provided background information and advised that such initiatives only work when farmers are involved from the beginning.

NP-2014-064

It was MOVED and SECONDED,

That the North Pender Local Trust Committee direct staff to contact the Capital Regional District planning staff to inquire as to Islands Trust Involvement in this Request For Proposal contract process which closes May 30th, 2014, and as to the appointment of a “key coordinator” from North Pender Island.

CARRIED

13. TOWN HALL MEETING

Chair Luckham invited the public to make comment.

Sara Steil asked the Trustees to consider distributing the Shoreline Matters brochure to those who use the beaches, but may not live on the waterfront. She also commented that pleasure craft sewage pollution regulations are a concern for shoreline health. She noted that since Pender Island does not have a pump out station, the surrounding waters are a free dumping zone.

Anne Burdett spoke to the Local Trust Committee regarding canine feces on beaches. Trustee Hancock agreed with Ms. Burdett and commented that there is a need to lobby for bag stations to the appropriate bodies in charge of each of the beaches of concern.

14. ADJOURNMENT

NP-2014-060

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee meeting be adjourned
at 12:59 p.m.

CARRIED

Peter Luckham, Chair

CERTIFIED CORRECT:

Shannon McConchie, Recorder



Islands Trust

Print Date: Jun-18-2014

Follow Up Action Report w/ Target Date

North Pender Island Nov-29-2012

No.	Activity	Responsibility	Target Date	Status
1	Item 11.6: Trustee Hancock will undertake updating 'Buying Property on North Pender...' brochure for spring 2013	Ken Hancock	Jan-31-2013	On Going

Jan-30-2014

No.	Activity	Responsibility	Target Date	Status
4	Item 10.2 conservation subdivision review 1. report back on options for range of OCP or LUB amendments that would require a conservation subdivision approach for new subdivisions - DONE 2. arrange a workshop/charrette to further engage interested property owners, explain options, produce rough concept layouts and identify issues and concern - DONE 3. staff to report back with a revised project charter - DONE	Justine Starke	Mar-27-2014	Done

Mar-27-2014

No.	Activity	Responsibility	Target Date	Status
5	Item 9.2 NP-RZ-2012.1: staff to proceed with application and prepare a draft bylaw, and staff to advise applicant of information requested as identified in the staff report - DONE	Justine Starke	May-14-2014	Done

Apr-24-2014

No.	Activity	Responsibility	Target Date	Status
12	Trustee Hancock to contract MoTI area manager concerning safety issues on Einar's hill	Ken Hancock	May-21-2014	On Going

May-22-2014

No.	Activity	Responsibility	Target Date	Status
1	Item 10.1 - Work Program - update top priorities and projects list according to resolutions.	Justine Starke	May-27-2014	Done
1	Item 11.6 - Put Shoreline Brochure under latest news.	Lori Foster Justine Starke	May-28-2014	Done
1	Item 10.1 - Clean up projects list and bring staff report to next meeting.	Robert Kojima Justine Starke	May-28-2014	Done
1	Item 9.3 - Bylaw 194 for technical amendments of the LUB was Adopted.	Sharon Lloyd-deRosario	May-29-2014	Done
1	9.1 - NP-ALR-2014.1 -Forward application to ALC with supporting resolution. Lori has forwarded - DONE	Justine Starke	May-29-2014	Done
1	Item 9.2 - NP-RZ-2012.2 - Note LTC endorsement of the Trust Policy Statement checklist; Initiate cost-recovery process for legal review of covenants.	Kim Farris	Jun-11-2014	Done
1	Item 12.2 - Contact Jeff Weightman regarding coordination of the Regional Agricultural Plan and the role for IT and LTC in contracting process and the appointment of a key coordinator from North Pender.	Robert Kojima Justine Starke	Jun-12-2014	Done
1	Item 5.1 - NP LTC Minutes of April 24, 2014 adopted as amended.	Lori Foster	Jun-12-2014	Done
1	Item 5.2 - Public Hearing Records and CIM Meeting notes of April 24, 2014 received.	Lori Foster	Jun-12-2014	Done
1	Item 10.1 - Work Program - Mail out Shorelines brochure to waterfront property owners.	Lori Foster Justine Starke	Jun-12-2014	Done

Dennis Perch

May 18, 2011

North Pender Island Local Trust Committee

Attn: Chair Mr. Peter Luckham

pluckham@islandstrust.bc.ca

Dear Chairman Luckham,

On April 24, 2014, I attended the Public Hearing on amendments to *North Pender Island Land Use Bylaw 103* where I made an oral presentation and submitted a letter before the closure of public input. However after reviewing the Trust's on-line record, I have concerns regarding the handling of my submission.

Inaccuracy

The *Record of the North Pender Island Local Trust Committee Public Hearing April 24, 2014* states:

"Dennis Perch stated as follows (summarized): that he was submitting a letter today with his concerns; that he believed the current Land Use Bylaw was flawed because it did not specifically refer to short term vacation rentals (STVR's); that this was inconsistent with the Official Community Plan (which prohibited STVR's as a primary use), and with some past statements by Islands Trust representatives, and in the Islands Trust Policy Statement; and that the current Land Use Bylaw amendments should have included some clarity on the issue of STVR's."

This is a misinterpretation and inaccurate summary of my presentation. Specifically:

1. I did not state that the LUB is flawed "because it did not specifically refer to short term vacation rentals (STVR)". I said that the LUB language is ambiguous in reference to vacation rentals and quoted several statements by Trust staff and North Pender trustees' demonstrating their confusion in interpreting it.
2. My statement that *the OCP prohibits vacation rentals only as a primary use and therefore allows them as an accessory use* was altered by removing what was actually said and replacing it with someone's personal editorial "(which prohibited STVR's as a primary use)". In doing so, the point was obfuscated and the reader has a diametrically opposite impression of what was actually said.
3. Also, a fourth point, about the LTC's fiscal irresponsibility in pursuing legal action against vacation rentals rather than amending the bylaw for clarity (like the other islands), is deleted in the summary.

Public Access

I submitted my letter so that it would be a part of the public record but it was not appended to either the record or the minutes of the public hearing. Could you please tell me where interested persons can access it? This appears quite important as a great deal of literary license was taken in the "summary". If the text is made accessible to the public, a reader will not have to rely upon this inaccurate summary for clarity.

As you are aware, the LTC is responsible under the Local Government Act for meeting the following requirement regarding Public Hearings: "(7) A report under subsection (6) must be certified as being fair and accurate by the person preparing the report and, if applicable, by the person to whom the hearing was delegated under section 891." The published Public Hearing record does not meet this obligation.

Sincerely,



Dennis Perch

Date June 9, 2014 File Number NP-RZ-2012.2

To North Pender Island Local Trust Committee
For the meeting of June 26, 2014

From Kim Farris
Planner 1

Re **Proposed Bylaws No. 195 & 197 (Clam Bay Farm) – Post Public Hearing Procedures**

The Local Trust Committee is considering bylaws to amend the zoning on the property known as Clam Bay Farm. A public hearing is scheduled for the June 26th regular LTC meeting. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaws to Executive Committee for approval.
4. Forwarding of the OCP bylaw to the Minister's office for approval.
5. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee and Minister approve the bylaws, the next step for the LTC would be to adopt the bylaw following registration of the three 219 covenants agreed by LTC resolutions.

RECOMMENDATIONS:

1. THAT 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 read a Second time.
2. THAT 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 read a Third time.
3. THAT 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 read a Second time.
4. THAT 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 read a Third time.
5. THAT North Pender Island Local Trust Committee proposed Bylaws No. 197 and 195 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.
6. THAT North Pender Island Local Trust Committee proposed Bylaw 197 be forwarded to the Minister of Community, Sport and Cultural Development for approval.

pc Robert Kojima, Regional Planning Manager

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

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

AND WHEREAS Section 29 of the *Islands Trust Act* gives the North Pender Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

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

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

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

1. CITATION

This Bylaw may be cited for all purposes as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2014".

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME this 24th day of April , 2014.

PUBLIC HEARING HELD this day of , 20.

READ A SECOND TIME this day of , 20.

READ A THIRD TIME this day of , 20.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this day of , 20.

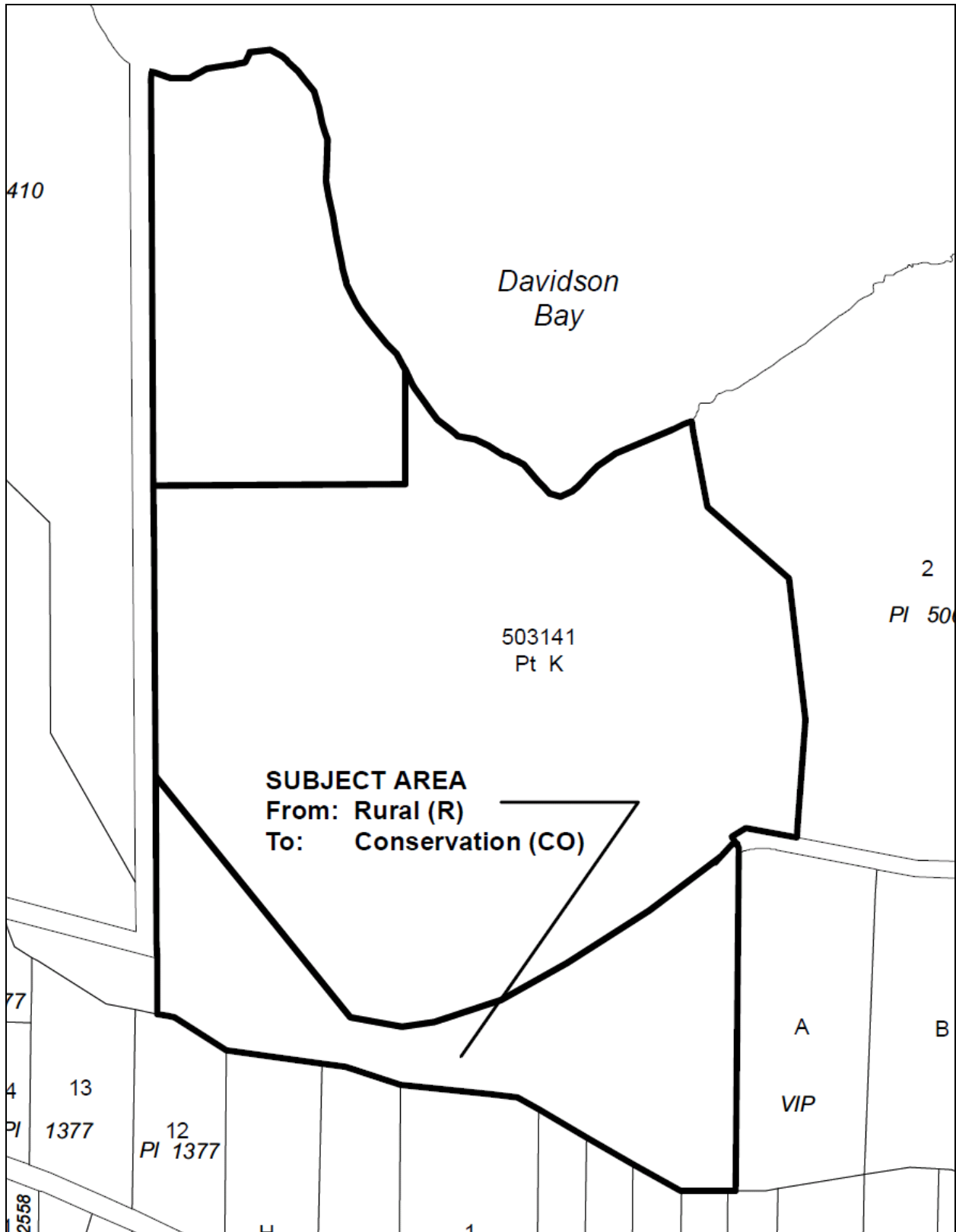
ADOPTED this day of , 20.

SECRETARY

CHAIRPERSON

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 197
SCHEDULE 1**

1. Schedule B (Land Use Designation) is amended for the lands as depicted in the map below.



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 195

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

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

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 103, 1996;

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

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

A. Bylaw No. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. Article 8.2.8(1) is amended by deleting the R(b) site-specific regulations in the table and replacing them with the following:

Column 1 Site- Specific Zone Reference	Column 2 Legal Description	Column 3 Site Specific Regulations
R(b)	That Part of Parcel K, (DD503141), Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the Rural (R) Zone.	(1) Despite Subsection 8.2.1, no lot having an area less than 8 hectares may be created by subdivision on the portion of the property zoned Rural (R)(b). (2) Despite Article 8.2.2(1), the only permitted uses in this location are dwellings, cottages and agriculture. (3) Despite 8.2.3(1), a maximum of two dwellings and two cottages are permitted in the portion of the property zoned Rural (R)(b). (4) The maximum permitted floor area for one dwelling is 700 m ² on the portion of the property zoned Rural (R)(b). (5) The maximum permitted floor area for one dwelling is 300 m ² on the portion of the property zoned Rural (R)(b). (6) The two dwellings and two cottages permitted in the portion of the property zoned Rural (R)(b) must be sited in accordance with "R(b) Siting Plan" attached as Schedule G. (7) Two cottages on the lot may be attached and if two cottages are attached, they are deemed to be two separate structures for the purposes of density and floor area.

2. Article 8.3.8(1) is amended by deleting the AG(c) site-specific regulations in the table and replacing them with the following:

8.3.8 Site Specific Regulations

Column 1 Site-Specific Zone Reference	Column 2 Legal Description	Column 3 Site Specific Regulations
AG(c)	That Part of Parcel K, (DD503141), Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the Rural (R) Zone.	(1) Despite Subsection 8.3.1, no lot having an area less than 30 hectares may be created by subdivision on the portion of the property zoned Agricultural (AG)(c). (2) Despite Article 8.3.2(1), the only permitted uses in this location are the uses permitted by 8.3.2(1)(a), (b), (d) and one manager's suite consisting of sleeping, cooking and sanitary facilities. (3) The manager's suite is not to exceed 55m² in floor area . (4) Despite 8.3.2(1)(b), a maximum of one dwelling is permitted in the portion of the property zoned Agricultural (AG)(c).

3. Schedule "D" (Zoning Map for North Pender Island) is amended in accordance with the map attached to and forming part of this bylaw as Plan No. 1.
 4. A new Schedule "G" is attached following Schedule "F", entitled "Schedule G, Detailed Plans".
 5. Plan No. 2, attached to and forming part of this Bylaw, is attached to Schedule G as "R(b) Siting Plan".
- B. This Bylaw may be cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2014".
- C. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this 24th day of April , 2014

READ A SECOND TIME this day of , 20__

PUBLIC HEARING HELD this day of , 20__

READ A THIRD TIME this day of , 20__

APPROVED BY THE EXECUTIVE COMMITTEE this day of 20__

ADOPTED this day of , 20__

Chair

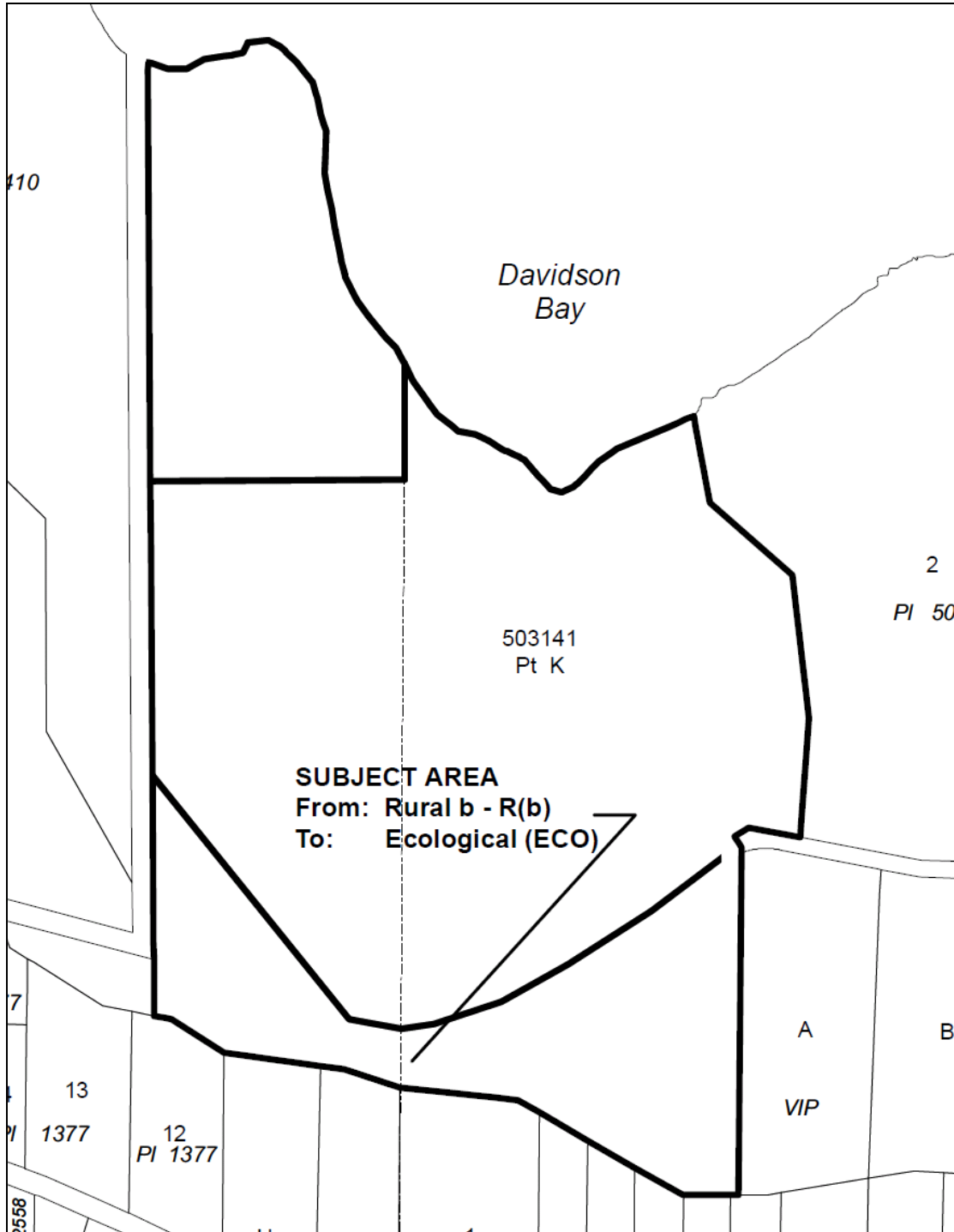
Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 195

PLAN No. 1

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "D" Zoning Map" is amended as follows:



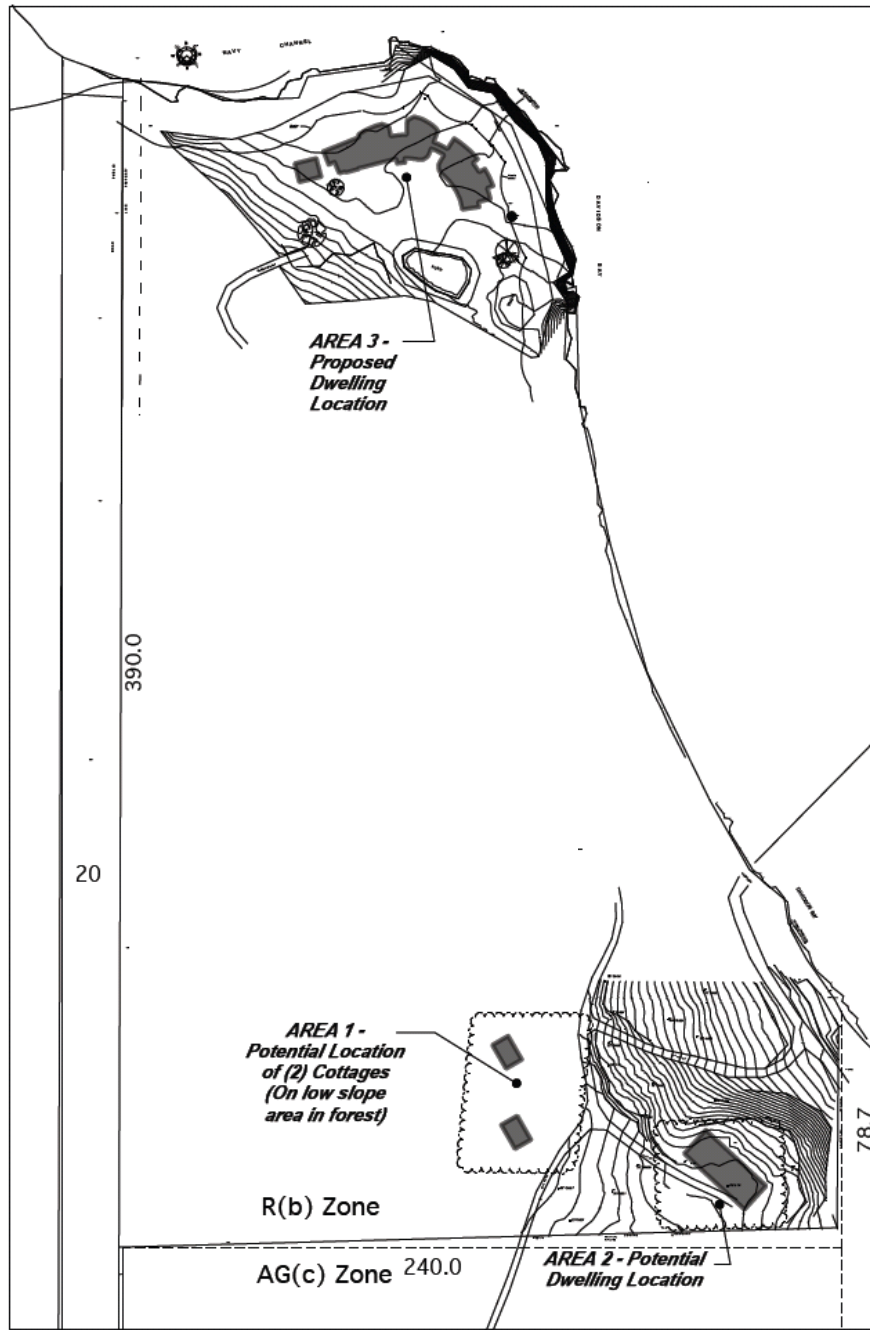
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 195

PLAN No. 2

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "G" Detailed Plans" is amended by adding the following:

"R(b) Siting Plan"



STAFF REPORT

June 18, 2014

File No.: NP-RZ-2012.1
(Burdett)

To: North Pender Island Local Trust Committee
For the meeting of June 26, 2014

From: Justine Starke, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Rezoning Application

Owner: Michael and Anne Burdett
Applicant: Same

Location: 4606 Razor Point Road,
The Fractional North West $\frac{1}{4}$ of Section 11, Pender Island, Cowichan District,
Except the South 26.364 Chains, and Except Parcel A (DD143808I), and Except
those parts shown outlined in red on Plans 5632 and 262R, and Except those
parts in Plans 5856, 7982 and 20898.

THE PROPOSAL:

This is an application to amend the North Pender Land Use Bylaw 103 to permit a waste transfer station and in-vessel composter at 4606 Razor Point Road. The site would be open for drop off from the public, as well as service the applicants' existing weekly residential pick up route, commercial waste, recycling, and construction bin service. The waste transfer and compost uses are proposed to be contained within a building on a concrete pad, with a leachate catchment system.

Draft Bylaw 196 proposes a new *Industrial 3 Zone: Waste Transfer Facility*, as well as introduces some new definitions to the Land Use Bylaw. Draft Bylaw 196 is attached as Appendix 1 for the consideration of the Local Trust Committee.

The subject property is a waterfront property facing onto Hamilton Cove at the western end of Port Browning. The overall property is primarily zoned for agriculture, with areas of rural and industrial zoning as well. The subject area is zoned industrial. Under current zoning, the only permitted use on the property is boat storage, although there are a number of petroleum tanks on the property left over from earlier zoning and historic industrial uses. The Agricultural Land Reserve (ALR) boundary does not coincide with the zone boundary or other legal boundary so portions of both the rural and industrial zones are within the ALR.

The proposal is to rezone a 0.95 acre (0.38 ha) area for the waste transfer site and continue with the permitted boat storage on the remaining Industrial 1(b), outside of the ALR (as a condition of ALC approval boat storage is not supported within the ALR on this property). Please refer to the ALR survey site plan in Appendix 2(a).

Figure 1: Subject Property



Figure 2: Orthophoto and Zoning



Based on BC Assessment data the property is 8.32ha (20.55ac) although using the GIS measuring tools it appears to be slightly larger at approximately 8.93ha (22ac) with approximately 7.32ha (18.1 ac) zoned AG, 1.15ha (2.8ac) zoned R, and 0.46ha (1.1ac) zoned I1(b).

Discrepancies such as this are not uncommon particularly with larger parcels that have not been resurveyed and are remainder fractions of the original $\frac{1}{4}$ Sections, and also those with a coastal property boundary. The subject area within the overall property is located in the south-eastern corner of the lot, adjacent to Hamilton Road to the south and the shoreline of Brackett Cove to the east.

Surrounding properties range widely in size from less than 2ac to almost 40 ac with a range of rural, commercial and agricultural zoning. Based on GIS data the property is fairly level declining steadily across the property from a maximum elevation of 32 m above sea level (asl) in the southwest corner (Bedwell Harbour and Hamilton Rd intersection) to 12m asl as it nears the shoreline, where it declines more steeply to sea level.

The subject property also has a watercourse that generally bisects it diagonally. This is not a provincially identified stream or a watercourse subject to the Riparian Areas Regulation but is a watercourse that is recognized to be part of the drainage basin for two small surface waterbodies adjacent to the airstrip, which is located approximately 1km upstream from Port Browning. The existing vegetation between the industrial portion and the watercourse would be maintained.

Historical Zoning:

This portion of the property was rezoned from Rural to Industrial in 1977 while the zoning bylaws were still under the authority of the CRD.

In 1978 when the first North Pender Zoning Bylaw was adopted the applicable Industrial zone permitted: warehouses; storage yards, including explosives; work's yards and marine ways; contractor's workshops; contractor's yards; building materials and supplies sales; freight service; bulk fuel storage tanks; sawmills; mechanical repairs; processing, crushing and storing of gravel; and one self-contained dwelling unit for the accommodation of the owner, operator or an employee of the principal use permitted.

A comprehensive Land Use Bylaw (LUB) review was initiated in 1996 and the use was restricted to 'boat storage' only; the LUB was adopted in 1999. Historic files have been reviewed to see if there was any reference to the rationale for this at the time, however no relevant records were found.

The Agricultural Land Reserve (ALR) was established between 1974 and 1976.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

The Islands Trust Policy Statement Checklist is attached as Appendix 3 for consideration by the Local Trust Committee. Directive policies relevant to this application include:

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

Ecosystems

- 3.1.5...the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.

Coastal and Marine Ecosystems

- 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.

Agricultural Land

- 4.1.4...the identification and preservation of agricultural land for current and future use.
- 4.1.5...the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
- 4.1.6...the use of adjacent properties to minimize any adverse affects on agricultural land.
- 4.1.8...land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land.

Growth and Development

- 5.2.3...policies related to the aesthetic, environmental and social impacts of development.

Disposal of Waste

- 5.4.4...the identification of acceptable locations for the disposal of solid waste.

Official Community Plan

The land use designation in the OCP for the subject property is Industrial, Agriculture, and Rural Residential, which is in alignment with the relevant zoning. The subject area is the area designated Industrial.

Relevant policies in the OCP include:

Agriculture Policies

- 2.2.1-The 'right to farm' shall be respected by not permitting land use on adjacent, or nearby properties that could adversely affect farming activities and by requiring buffers and/or setbacks on the adjacent properties.
- 2.2.13-The Local Trust Committee should not support applications to the ALC for non-farm use, except where it can be demonstrated that the proposed non-farm use would

- 2.2.15-When it considers rezoning applications that are not related to farming, the Local Trust Committee will ensure that the proposed new use will not reduce the quality and quantity of water for farming and the proposed new use should not result in either a decrease or an increase in water flows onto to, or from, adjacent agricultural land. Rezoning applications which might affect farmland will be referred to the Regional Agrologist for comment.
- 2.2.16-When it considers rezoning applications for land that borders agricultural land, the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming and the applicant may be required to provide qualified professional advice on the potential impacts on farming.

- 2.5.1-Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.
- 2.5.3-Industrial activity shall not be permitted in areas suitable for agriculture, or in hazardous or environmentally sensitive areas.
- 2.5.4-Applications for industrial rezoning must prove sustainable water supply and waste disposal capability, and include provision for remediation of any existing contamination, and in reviewing any application for new industrial uses, the local trust committee should consider potential climate change impacts.
- 2.5.6-Industrial activity, parking and storage areas should be screened.

- 3.3.2.1-Regulations shall permit the continued operation of an island location where waste can be taken for recycling.
- 3.3.2.2-The storage and disposal of hazardous and toxic waste on North Pender shall be prohibited.
- 3.3.2.3-Regulations shall prohibit the use of land on North Pender Island as a landfill.

- 4.2.1-Regulations should protect natural coastal processes from the impacts of development.

- 4.7.6-The Local Trust Committee may consider amending zoning in the Industrial or Community Services designations to provide community wood chipping and community composting services.

The subject property is split zoned Agriculture (AG), Rural (R), and Industrial One (I1(b)) by the North Pender Land Use Bylaw 103. Permitted uses in the I1(b) zoning is limited to boat storage. Neighbouring properties are zoned:

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As noted, the subject property is split zoned with approximately 82% AG, 13% R, and 5% I1(b). The area of the proposed I3 Zone is .89 acres, with the new zone boundary following the ALR boundary on the eastern side. The remaining I1(b) zone will cover an .25 acre area.

Current setback requirements for the I1(b) zone are:

- 15 m setback upland from the natural boundary of the sea
- 15 m from the exterior and interior side lot lines
- Landscape screening is

required to provide a visual screening of storage areas and from adjacent uses along lot lines abutting the non-industrial uses (including the water zone (W1).

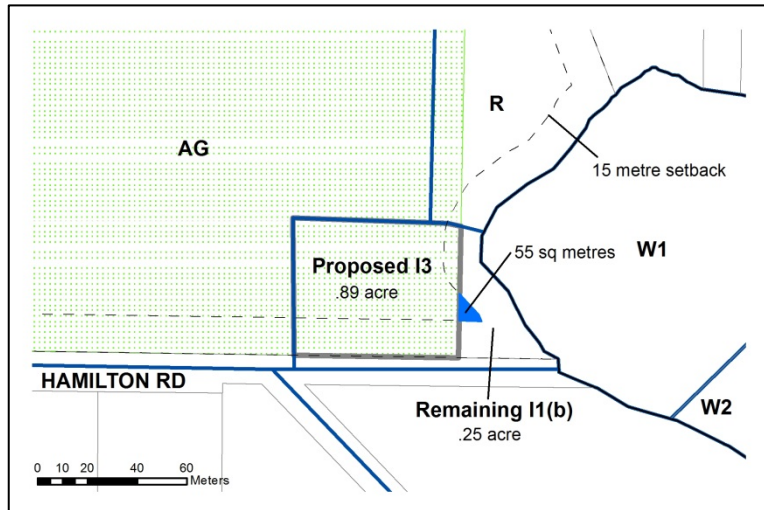


Figure 3: Existing and Proposed Zone Boundaries with Setbacks

Islands Trust Fund:

There are no Trust Fund properties or conservation covenants in the vicinity.

Sensitive Ecosystems and Hazard Areas:

There are no sensitive ecosystem development permit areas (DPA) on the subject property; however the adjacent marine water of Port Browning is a sensitive intertidal DPA. The Industrial portion of the property would be subject to the form and character DPA and a development permit would be required prior to any building permit being issued.

The steep slope mapping shows two relatively small areas of low and moderate hazard on the property with a larger, moderate hazard area identified adjacent to the shoreline.

Figure 4: Development Permit Areas

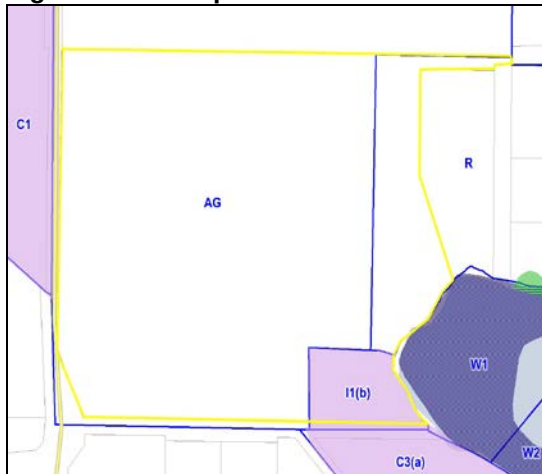
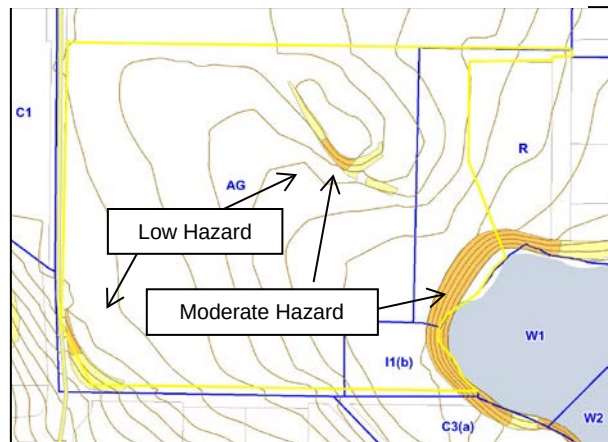


Figure 5: Steep Slope Mapping and 2m Contour Intervals



Archaeological Sites:

There are no archaeological sites registered in the provincial database on the subject property or in close vicinity.

Agriculture Land Reserve:

On October 3, 2013, in resolution #413-2013, the Agricultural Land Commission approved the operation of a waste transfer facility and in-vessel composting within the ALR for a period of 5 years and subject to a number of conditions,

- directed that the request for a 3 metre wide trail along the south and west property boundaries be considered as a subsequent application to the ALC, and
- that the current permitted use of boat storage, as permitted in the Industrial (I1(b)) zone, was not approved within the ALR.

Covenants:

There are no covenants or rights-of-way registered on title.

Climate Change Mitigation and Adaptation:

Generally any improvements to the waste management and diversion options available to the community further reduces the risk that residents may choose to burn or bury waste. The property is centrally located on the island and may result in reduced vehicle distance travelled when servicing the community needs. Diverting the commercial organic waste from landfilling would also support emission reduction and provide an alternative for when the CRD ban at Hartland landfill takes effect and advance the OCP policy.

Shoreline

Recent shoreline mapping completed for all the major islands in the Trust Area has divided the shoreline into segments based on morphology and substrate. There are six classifications of shoreline type identified for the Gulf Islands and the shoreline adjacent to the subject property is identified as pebble/sand. This shore type is a soft shoreline that may be a source of sediment and could be vulnerable to erosion particularly when sediment supply is interrupted. It would be anticipated that the related biological features would be dominated by burrowing invertebrates such as worms and clams, which can also attract concentrations of birds.

The predominant wave energy system on North Pender is from south to north, which is based on both wave energy and fetch; all of Port Browning and the eastern shoreline of North Pender Island is identified as low energy.

Professional Reports:

Copies of the professional reports received for this application have been posted on the North Pender Island webpage at: www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications

Hydrological Impact Assessment:

The applicants have provided a report which had the following conclusions:

- Potential surface water contamination – as long as the discarded goods and materials are not stored directly on the ground (consisting of a broken shale base) there should be no concern. If the goods and materials are stored directly on the ground some contaminants could infiltrate and potentially impact the water of Browning Harbour.

- Potential groundwater contamination – the proposed operation would not impact the groundwater in any manner.

Although the report also notes that additional water testing would be done in the wet season, during subsequent discussions with the hydrologist indicated that collecting additional water samples would not provide useful information.

Drainage:

A site plan showing the drainage proposal for the main building has been provided, however a drainage report on the industrial site as a whole has not been submitted. The NPI Local Trust Committee may consider requesting a more detailed drainage report that can demonstrate how any leachate will be contained and prevented from entering the natural surface and sub-surface drainage regime on the site.

Servicing:

The waste transfer facility will not be serviced by water or a septic system. There is an existing well on the site that could be used if operational requirements demand a water source, however the current operation does not use water. There are no bathrooms or kitchen facilities proposed for the buildings and structures.

Environmental Site Assessment:

A site assessment was done by the previous owners in Dec 2011 to address an 'area of potential environmental concern', which was the industrial portion of the property and the above ground storage tanks and associated infrastructure. The assessment included soil and groundwater testing, including soil vapour and sediment sampling. The report concluded that all soil, soil vapour, and groundwater testing reported trace or non-detectable values for all parameters, which were below the Contaminated Site Regulations criteria. The report also concluded that no further environmental assessment work was recommended.

Sources Materials:

The current sources and amounts of material for recycling or disposal by Pender Island Waste Management are outlined in the table below. These are estimated volumes based on the level of existing services and would be subject to change. At this time the intent is to continue servicing the drop-off site at the Magic Lake Market for the collection of household waste.

Source	Material	Estimate Volume*
Poets Cove	Garbage, Cardboard, Recycling	2 small bins per week (during winter months the frequency drops to every 6 weeks) 52 tons garbage annually
Browning Harbour Marina/Pub	Garbage, Cardboard, Recycling	2 small bins per week (during winter months the frequency drops to every 10 days) 25 tons garbage annually
Driftwood Centre	Garbage	1-3 small bins per week
Hope Bay Centre	Garbage and Recycling	Weekly collection - bags

Medicine Beach Market Drop-off	Garbage	3-4 small bins per week (during winter months the frequency drops to 2/ week)
Otter Bay Marina	Garbage only	1 small bin per week (during winter months the volume drops to 6-10 bags weekly combined with Currents)
Currents	Garbage only	1 small bin per week (during winter months the volume drops to 6-10 bags weekly combined with Otter Bay)
Construction Sites	Construction waste and recycling	Varies – 7 medium sized bins available for service
Various	Metal recycling	1 large bin monthly
Weekly pick up service	Garbage	5-6 tons monthly

*Small bins are approximately 3 cubic yards
Medium bins are 12-14 cubic yards
Large bins are 40 cubic yards

A large bin (40 cubic yard) is used to store bagged recyclables or bundled cardboard until it is transported off-island for processing. A lidded 16 cubic yard bin would be used to transport waste materials off-island for disposal approximately three times per week during the summer months.

Organic Collection:

Hartland landfill, operated by the Capital Regional District (CRD) will no longer be accepting kitchen waste as of Jan 1, 2015; this ban would apply to residential, commercial and institutional organic waste. The collection and composting of organic waste has been approved by the ALC and if subsequently approved by the LTC then the applicants would also be regulated under the CRD Composting Facilities Bylaw. The proposal is to purchase a small scale, in-vessel composter called an 'Earth Tub', which is designed to meet the needs of institutional sized producers such as universities/schools, commercial food processors, hospitals, and multi-family residential developments. The Earth Tub can process a maximum of 150 pounds per day (~70 kg) and they include a bio-filter for odours.

The organic collection will be targeted towards commercial businesses on North Pender (Poets Cove, Browning Harbour, Driftwood Centre, Hope Bay Cafe) to remove organics from the waste stream. Diversion of the organic waste is estimated at 20 tons annually from Poets Cove and Port Browning Pub and Marina.

Traffic Impacts:

The NPILTC requested more information on the estimation of vehicles from general public use of the site. Access to the site will be restricted to the Hamilton Road entrance. The revised opening times & updated traffic pattern are estimated as follows:

Tuesday 8-4 10-20 vehicles
Friday 8-4 10-20 vehicles
Saturday 8-4 10-20 vehicles
Sunday 12-4 10-15 vehicles

Transporting materials to Hartland landfill are estimated at 3 trucks per week during the summer season. The site is proposed to be open for public drop-off up to three days per week, including Saturdays.

Additional Information Requested:

The following information has been provided in response to the North Pender Local Trust Committee's request of March 27, 2014:

1. REQUESTED: More information regarding the buffering required for the area proposed for the waste transfer facility along all lot lines
PROVIDED: A site plan with landscape buffers and fencing plan. See Appendix 2(b).
2. REQUESTED: A copy of the proposed vegetative buffering required by the ALC be provided to the LTC.
PROVIDED: A site plan with landscape buffers and fencing plan. See Appendix 2(b).
3. REQUESTED: A copy of the survey and fencing plan required by the ALC be provided to the LTC
PROVIDED: General site plan – See Appendix 2(c).
4. REQUESTED: that the survey required by the ALC also identify the ALR boundary
PROVIDED: Survey Plan with ALR Boundary – See Appendix 2(d)
5. REQUESTED: More details regarding the proposed mitigation strategies for odours, leachate, noise, vectors, litter and dust be provided to the LTC, including those either integrated into a building design or independently.
PROVIDED: The applicant has provided building plans to demonstrate the buildings and the bins will address any possible odour, vector or leachate issues. See Appendix 2(e). The applicant has also provided the following information:

“ In our two locations that we have operated with TUP's, at Port Washington and Medicine Beach, both these operations consisted of a building with a concrete pad with a drain to sump for any possible leachate, vector, or odour issues. In the seven years that we have been in operation, at these two different sites, we have never had a complaint in regards to odour, dust or leachate. In regards to a vector issue, we did have a brief raccoon issue at Medicine Beach which we solved with some hardware cloth. We have had leachate, odour and vector issues, that became a concern to us was when we operated on Otter Bay Rd where there was no TUP, no building, no tank, and no way of controlling vector and odour issues.

Following are our management plans for-

Leachate - bins used for off island transportation to Hartland landfill, compostables, and drywall disposal will be held within a wood frame and metal roof building that contains a drain to concrete catchment which will be regularly monitored. We do not handle liquid waste and to date we have

never had to have one of the sumps pumped in either of the buildings on Port Washington road or at Medicine Beach.

Vector, dust, litter - vector issues will be addressed by the waste bins being contained within a building with hardware cloth being used in any possible access spots.

A scheduled end of day survey of the site for any possible litter will be performed.

Dust will be controlled by an early summer application of magnesium chloride.

Staff note: While commonly used by highway maintenance crews on North Pender and elsewhere, cursory research indicates that the use of Magnesium Chloride is controversial; it is known to migrate through soils and accumulate in underground and surface water supplies.¹

Odour- all household bagged garbage currently is removed within 72 hours of pickup. With the eventual removal of the majority of organics from the waste stream most odours should be eliminated.

Noise- we are situated well back from the road with an approximately 10 foot berm between the site and the road. Any noise generated would be within the hours of 7am and 7pm."

6. REQUESTED A more detailed site plan showing the siting and dimensions of the proposed building or structures in the industrial area.
PROVIDED: The general site plan in Appendix 2(b) and the building plans in 2(e).
7. REQUESTED An updated estimation of vehicles from general public use of the site, and
PROVIDED: Information as detailed above under "Traffic Impacts."
8. REQUESTED A more detailed site plan indicating the proposed parking and traffic movement onto and throughout the site.
PROVIDED: Parking and Traffic Plan – See Appendix 2(f).

Hazardous and Controlled Waste:

Hazardous waste – the applicants do not propose to handle hazardous waste.

The following controlled waste items will be handled as follows:

Drywall

Gypsum drywall will be transferred from the facility according to the following procedure:

- Drywall is stored and taken to a private company on Vancouver Island for disposal. Every load brought must be accompanied by documentation showing where the drywall originates from.
- All persons getting rid of drywall on North Pender are therefore provided with a drywall questionnaire which must be completed and signed.
- If the drywall was manufactured before 1992 it must be tested for asbestos. If the drywall is found to contain asbestos it will not be handled; a facility qualified in asbestos abatement will be called to remove it from the site.

¹ Warrington, P.D. "Roadsalt and Winter Maintenance for British Columbia Municipalities,"(December, 1998) <http://www.env.gov.bc.ca/wat/wq/bmps/roadsalt.html#35>

- *EMA – Recycling Regulation*
- *EMA – Contaminated Sites Regulation*
- *EMA – Organic Matter Recycling Regulation*
- *EMA – Storage of Recycable Material Regulation*
- *The federal Transportation of Dangerous Goods Regulations*

The proposed waste collection operations would not be regulated under a CRD solid waste bylaw at this time; however, the provincial regulations under the *Environmental Management Act* would apply.

The proposed organic collection would have to comply with the CRD composting bylaw, which is supplemental to the existing provincial regulations under the Organic Matter Recycling Regulation (OMRR).

Referrals:

Previous staff advice and NPILTC direction has requested:

1. Forward the proposal and any proposed bylaw to the Regional Agrologist requesting he review the proposal and provide comments,
2. Forward the proposal and any proposed bylaw to the CRD Solid Waste Management staff requesting they review the proposal and provide comments,
3. The bylaw would be prepared for referral to the following agencies:
 - o MOTI
 - o CRD Building Inspection
 - o Ministry of Environment, generally and specifically to the Organic Waste, Solid Waste and Hazardous Waste Sections
4. That an application to the ALC for a public trail be deferred until public input is obtained to allow for recommendations or refinements, and
5. That once comments from the referral agencies is received that the LTC considers possible revisions to the draft bylaws before giving the bylaw First Reading and scheduling of a community information meeting and public hearing.

Given the timing and scheduling constraints over the summer, staff will circulate referrals after the June 26 2014 NPILTC meeting with the bylaw either still in its draft form or at first reading.

The NPILTC could also consider referring the application to the Advisory Planning Commission. Any suggested amendments can be considered at second reading, prior to public hearing.

CORRESPONDENCE

Correspondence received on this application is forwarded to the trustees as it is received and copies will be available in the public hearing binder if the application proceeds to public hearing.

COMMUNITY INFORMATION MEETING(S):

Given the broad public interest in this application, the LTC may want to consider a separate Community Information Meeting (CIM) before proceeding to a public hearing. This would allow the opportunity for any amendments to be considered at second reading, prior to public hearing.

STAFF COMMENTS:

The North Pender Island Land Use Bylaw does not identify a waste transfer facility as a permitted use in any zone; up until now, this use has been permitted by way of temporary use

permits issued at various locations over different time periods. In order to legalize the business operations, an application for a temporary use permit or bylaw amendment (rezoning) is required regardless of location.

This application seeks rezoning to create a waste transfer facility as a class of industrial zoning on North Pender Island. Staff are of the opinion that proposal is consistent with the North Pender Official Community Plan:

- Agricultural policies were addressed by the ALR application and subsequent ALC decision; the application will be referred to the Regional Agrologist as directed by the OCP.
- The Industrial policies require a number of considerations, including avoiding deleterious impacts to adjacent land and avoiding hazardous and environmentally sensitive areas as well as areas suitable for agriculture. The specific site is not in a hazardous or environmentally sensitive area, and its agricultural potential has been impacted by previous industrial uses. The remaining Agricultural zone on the subject property is a working farm; buffering, fencing and setbacks as required by the ALC are addressed by the proposed bylaw.
- The OCP requires applications for industrial rezoning to prove sustainable water supply and waste disposal capability; the waste transfer facility is not proposing to be serviced.
- There was not existing contamination identified by the environmental assessment that would require remediation.
- Impacts to Climate Change have been considered; having a permanent location for waste transfer may reduce the risk of residents burning or burying waste. The central location may result in reduced vehicle travel than individuals taking waste off-island. Diverting the commercial organic waste from the landfill supports emission reduction objectives.
- Solid Waste policies support the continued operation of an island location where waste can be taken for recycling. The proposal would not include storing or disposing of hazardous waste, nor the use of the land as a land fill.
- The proposal will not impact coastal processes.
- Climate Change policies support amending zoning in the Industrial designations for community composting services.

The location with access off of Hamilton Road has historic industrial zoning and is suited to the proposed use. Its vicinity to Driftwood Centre makes it a central and convenient location for people to bundle trips. The additional traffic impacts on Hamilton Road would be minimal, with the number of vehicles accessing the site estimated to be 20 or fewer per day.

Setbacks and the existing vegetation will provide visual and auditory buffers from the adjacent uses. Further buffering, and fencing and landscaping will be provided to fulfill the ALC conditions of approval, and as required by the proposed bylaw. The ALC approval of a non-farm use with conditions further supports the location as appropriate.

The addition of composting to the proposed uses will become important as future advances in both waste diversion by the CRD (additional landfill bans) and the provincial *Recycling Regulation* come to require enhanced waste stream separation and producer responsibility for recycling. Any facility that would be regulated under a CRD bylaw would require that the zoning permits the use.

Draft Bylaw 196 seeks to address the potential land use impacts of the proposed waste transfer facility. The bylaw prohibits hazardous waste from being accepted at the facility. The bylaw

requires the storage of waste, recycling, and compost to be within buildings and stored in leak proof collection bins, with tightly sealing lids. This will mitigate the potential for smells, vectors, and leachate. However, the draft bylaw would permit one scrap metal bin to be stored outside. It is recommended that the scrap metal bin be sited under a roofed structure to prevent rainwater accumulation. The bylaw requires landscape screening along the zone boundaries and setbacks which will serve to limit noise, and provide a visual buffer from the street and neighbouring properties. Additional site-specific landscaping requirements are recommended to be included in a s.219 covenant.

Other operational measures that have been proposed could be implemented by a covenant, including:

- A scheduled end of day survey of the site for any possible litter.
- Household bagged garbage to be removed within 72 hours of pickup.
- Limited hours of operation
- A limit on the number of vehicles entering the site per day.
- Leachates to drain to a concrete catchment with regular monitoring.
- Dust control is proposed to be managed through the application of magnesium chloride. It is recommended that this be further researched or an alternative dust management measure be requested of the applicant by the NPILTC

Proposed Bylaw 196 would rezone the 0.95 acre (0.38 ha) area shown on Plan no. 1 of the bylaw. The remaining area of the current I1(b) zone would retain existing zoning and permit boat storage as the only permitted use. The NPILTC may consider requesting that the covenant also require retention of a vegetative buffer to screen the boat storage use from being visible from the shore.

Implementation Recommendations:

There are a number of matters that have been raised in this report that the NPILTC could request as conditions of bylaw approval and should be provided or addressed prior to public hearing. These include:

1. A site drainage plan by a qualified professional that provides information on the surface drainage regime on the site and makes recommendations for avoiding any leachates from contaminating the natural watercourses on the property or leading to contaminants entering the groundwater or the ocean.
2. A professional report that describes the drainage control system proposed for all buildings and structures where waste will be handled or stored and makes any necessary recommendations for containing leachates.
3. An alternative method to magnesium chloride that can be used to manage dust pollution and that will not introduce contaminants into the environment
4. A section 219 covenant to implement the operational measures described above as well as other required recommendations arising from professional reports, referral agencies, or public input.
5. A section 219 covenant to prevent the removal of vegetation within 15 metres of the natural boundary of the sea.

The proposal originally included provision of a trail adjacent to Hamilton Road providing access to Bedwell Harbour Road. If the LTC still considers this desirable, a resolution should be

adopted to make provision of a statutory right of way or road dedication a condition of final adoption, subject to a new ALC application and approval.

Next Steps and Timeline:

Please note the following timeline is subject to change, and represents an optimistic estimation of schedules and work flow:

- July-August 2014 – Referrals to agencies, receipt of additional information from applicant
- August 28, 2014 – presentation to NPILTC of supplemental information; and consideration of Second Reading and any amendments that may emerge through the referral process
- September 2014 – CIM and Public Hearing (NB: NPILTC date TBD)
- October 30, 2014 – Consideration of Third Reading and referral to EC
- November 18, 2014 – Executive Committee consideration
- November 27, 2014 – NPILTC consideration of adoption

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee give First Reading to Bylaw No. 196, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2014."
2. THAT the North Pender Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that No. 196, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2014" is not contrary to or at variance with the Islands Trust Policy Statement.
3. THAT the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting for community input into Bylaw No. 196, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2014."
4. THAT the North Pender Island Local Trust Committee request staff to schedule a public hearing for Bylaw No. 196, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2014".
5. THAT the North Pender Island Local Trust Committee request the following to be conditions of bylaw adoption:
 1. A site drainage plan by a qualified professional that provides information on the surface drainage regime on the site and makes recommendations for avoiding any leachates from contaminating the natural watercourses on the property.
 2. A professional report that describes the drainage control system proposed for all buildings and structures where waste will be handled or stored.
 3. An alternative method to magnesium chloride that can be used to manage dust pollution and that will not introduce contaminants into the environment
 4. A section 219 covenant to implement the operational measures described in the staff report dated June 18, 2014 as well as other required recommendations arising from professional reports, referral agencies, or public input.

5. A section 219 covenant to prevent the removal of vegetation within 15 metres of the natural boundary of the sea.
6. The granting of a statutory right of way or dedication of a trail to the appropriate agency.
7. Authorization for staff to enter into a cost recovery agreement with the applicants for the drafting of suitably worded s. 219 covenants and other agreements.

Appendices:

Appendix 1: Draft Bylaw 196

Appendix 2(a): ALR Survey

Appendix 2(b): Site Plan with Vegetative Buffer

Appendix 2 (c): General Site Plan

Appendix 2(d): Building Plan

Appendix 2(e): Elevations

Appendix 2(f): Traffic and Parking Plan

Appendix 3: Islands Trust Policy Statement Checklist

Prepared and Submitted by:

Justine Starke

Date: June 18, 2014

Concurred in by:



Robert Kojima
Regional Planning Manager

June 18, 2014

Date

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 196

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

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

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 103, 1996;

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

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

A. Bylaw No. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. by adding the following new definitions to Section 1.1 (Definitions) in alphabetical order:

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

"waste transfer facility" means the use of a site, buildings and structures for receiving, collecting, storing, sorting, transferring, and composting solid waste and recyclable waste that originate from residential, commercial, institutional, demolition or construction sources;

2. By adding a new Industrial (I3) Zone following Section 8.9 as follows:

"8.9A Industrial (I3) Zone

8.9A.1 Subdivision Requirements

- (1) No lot having an area less than 1.2 hectares may be created by subdivision in the Industrial 3 Zone.

8.9A.2 Permitted Uses

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Industrial 3 Zone
- (a) Waste transfer facility.

8.9A.3 Conditions of Use

- (1) All waste materials, compost, and recycling must be contained within buildings and sealed collection bins, located on impervious

surfaces designed with a drainage control system to prevent any contamination to the environment.

- (2) Despite 8.9A.3(1) one bin for the storage of bulk metal may be stored within a covered structure outside of a contained building.
- (3) Hazardous waste is prohibited from being collected, stored, or composted at a waste transfer facility.
- (4) Asbestos is prohibited from being received, collected, stored, or transferred at a waste transfer facility.

8.9A.4 Buildings and Structures

- (1) Waste transfer facilities must , provide leak proof collection bins with tightly sealing lids which are located within buildings or under covered structures .

8.9A.5 Lot Coverage

- (1) Lot coverage within the zone shall not exceed 33%.

8.9A.6 Setbacks

- (1) No building or structure may be located
 - (a) within 30 metres of any front, rear, interior side, or exterior side lot line.

8.9A.7 Height

- (1) No building or structure may exceed 9.7 metres in height.

8.9A.8 Landscape Screening

- (1) Every external storage area must be screened from view by a landscape screen complying with article 3.13.1(1).
- (2) Every use must be screened from adjacent residential, commercial, industrial and agricultural uses. The screening must comply with article 3.13.1(2) and must be provided along all zone boundaries or lot lines abutting the non-industrial uses.

8.9A.9 Signs

- (1) In addition to Section 5.2 (Sign Regulations – Commercial and Industrial Zones), additional signage must be posted within waste transfer facilities and recycling facilities to indicate which materials are accepted and which materials are prohibited, and to provide contact information for the facility operator in case of emergency.

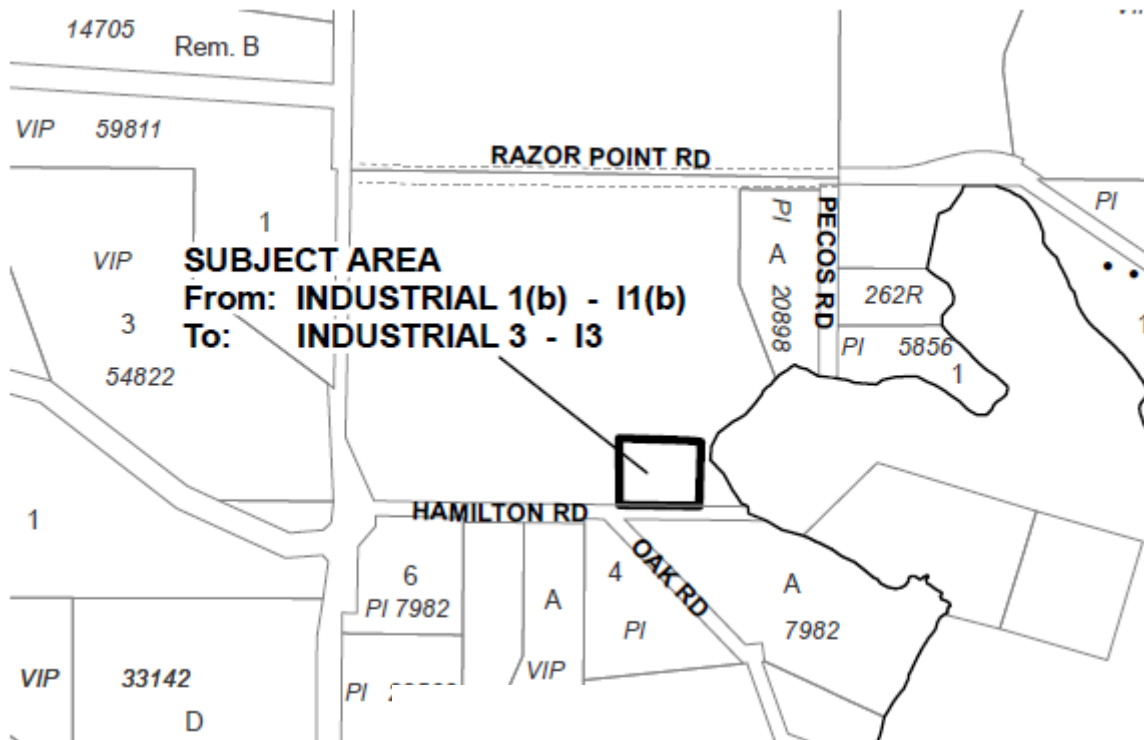
- 3. Schedule “D” (Zoning Map for North Pender Island) is amended in accordance with the map attached to and forming part of this bylaw as Plan No. 1.

- READ A FIRST TIME this _____ day of _____, 20__
- READ A SECOND TIME this _____ day of _____, 20__
- PUBLIC HEARING HELD this _____ day of _____, 20__
- READ A THIRD TIME this _____ day of _____, 20__
- APPROVED BY THE EXECUTIVE COMMITTEE this _____ day of _____, 20__
- ADOPTED this _____ day of _____, 20__

Secretary

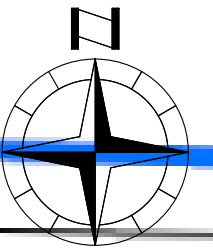
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 196

PLAN No. 1





~~Razor Point Road~~



A
Plan 20898

R Zone

AG Zone

282.9

*Brackett
Cove*

A
Plan 7982

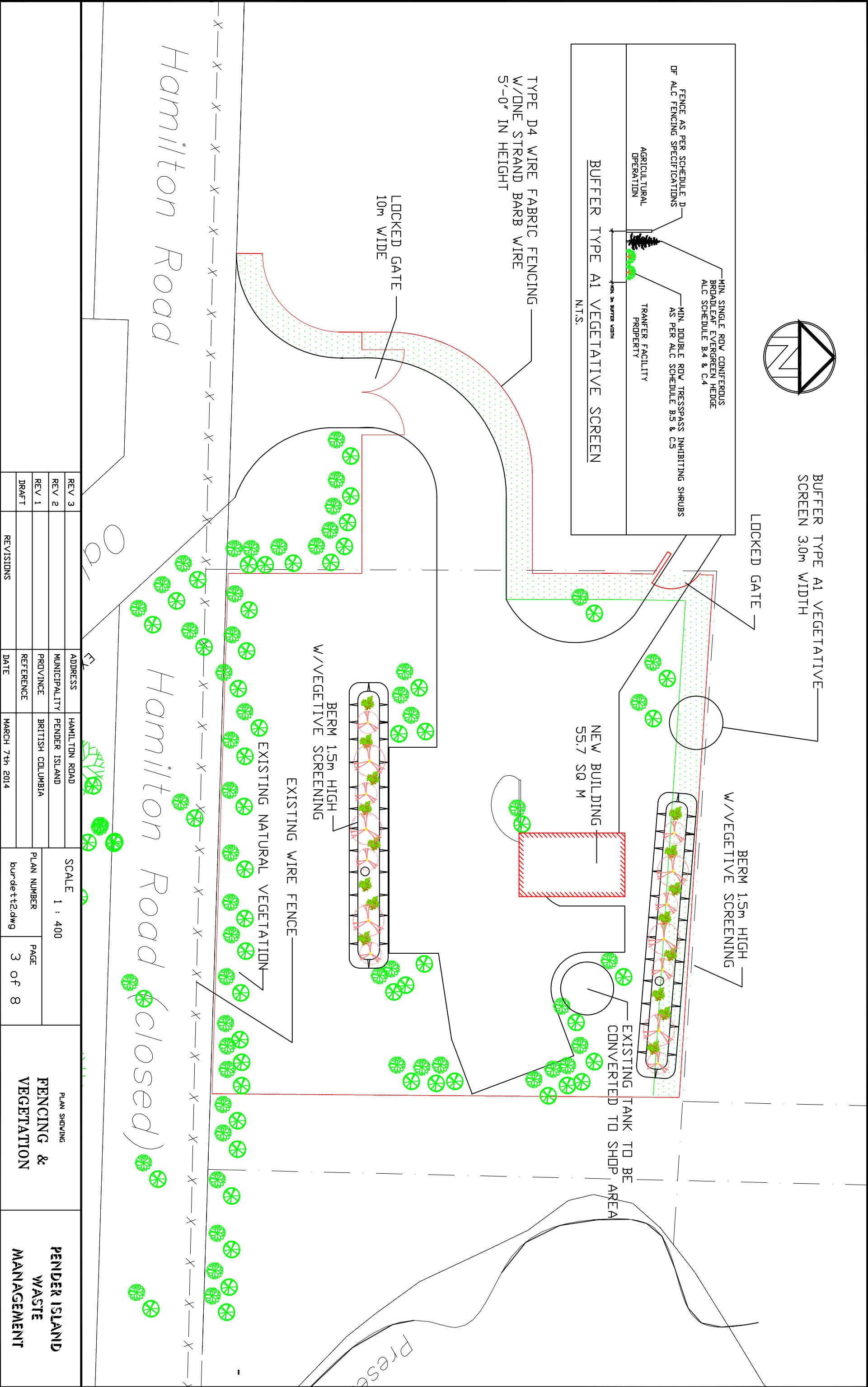
Plan 7982

A
Plan EPP16450

A
Plan 7982

RICHARD J. WEY & ASSOCIATES
Land Surveying Inc.
www.weysurveys.com
#4-2227 James White Boulevard
Sidney, BC V8L 1Z5
Telephone (250) 656-5155
File: 120285\Sit\LE

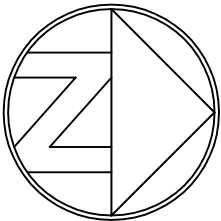
Appendix 2(b) Site Plan with Vegetative Buffer



Site Plan of the Remainder
Fractional North West 1/4 of Section 11,
Pender Island, Cowichan District.

Section 14

Distances shown are in metres.



Plan 5857

Plan VIP54822

Bedwell Harbour Road

Razor Point Road

Rem. NW 1/4 Section 11

AG Zone

292 m

9.1 m

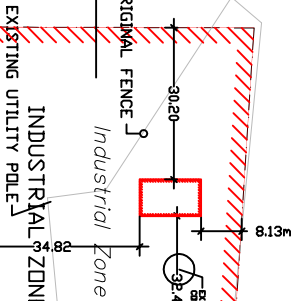
R Zone

Plan 20898

Brackett
Cove

Natural Boundary
Per Plan 20898

SITE OF PROPOSED TRANSFER FACILITY



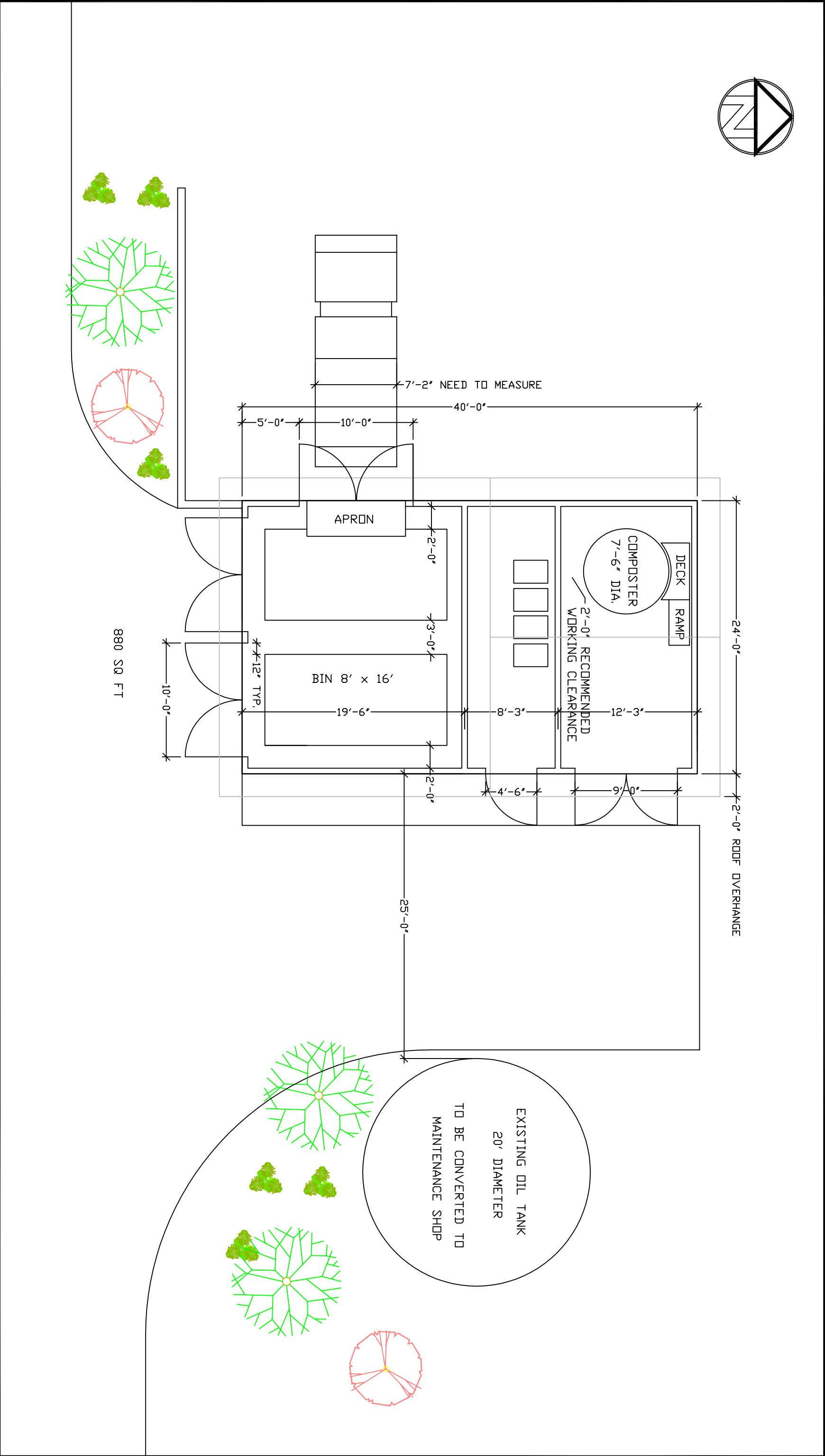
Hamilton Road

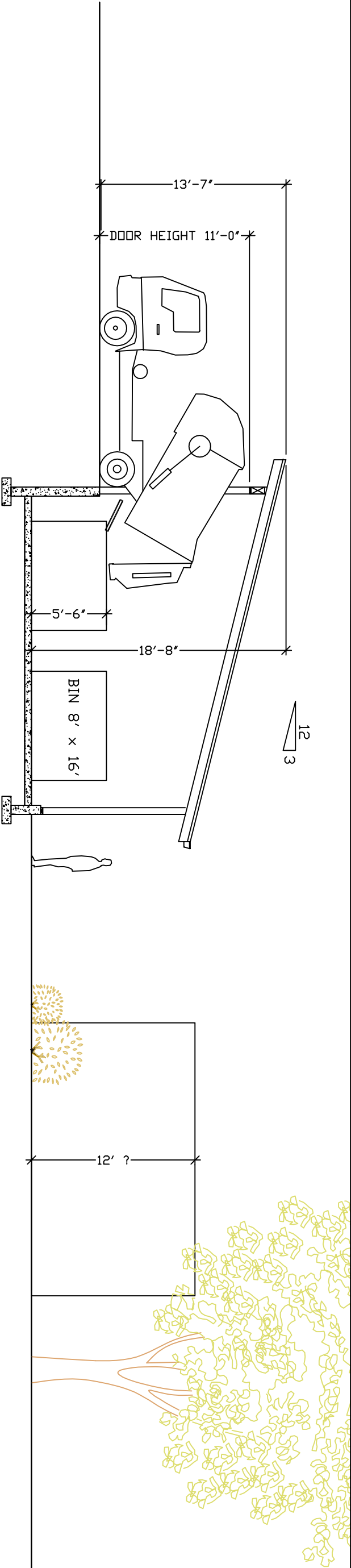
Oak Road

Present Natural Boundary

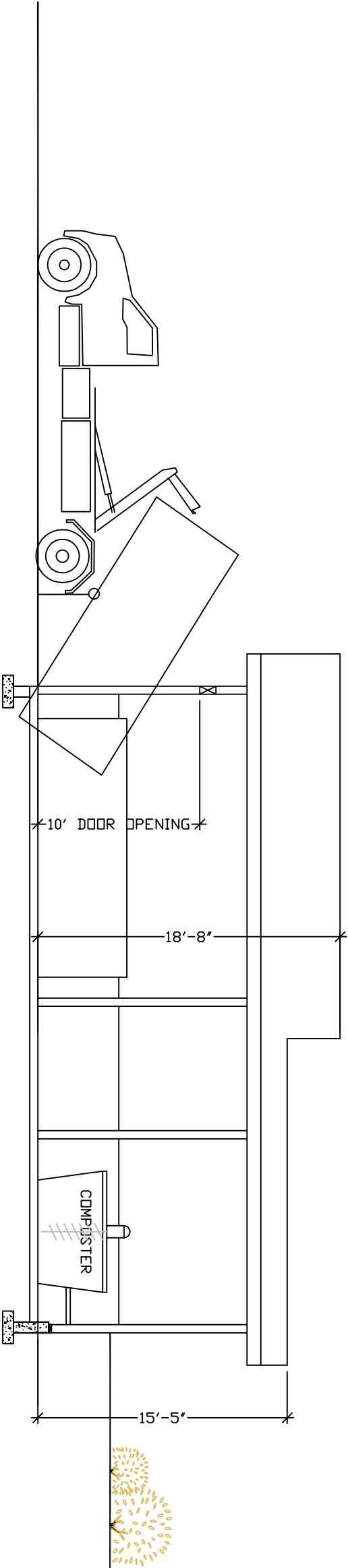
Plan 7982

REV 3	ADDRESS	HAMILTON ROAD	SCALE 1 : 1500		PLAN SHOWING GENERAL SITE PLAN		PENDER ISLAND WASTE MANAGEMENT	
REV 2	MUNICIPALITY	PENDER ISLAND	PLAN NUMBER		PAGE			
REV 1	PROVINCE	BRITISH COLUMBIA	burdett2.dwg		1 of 8			
DRAFT	REFERENCE							
REVISIONS		DATE	MARCH 7th 2014					





SECTION A-A



SECTION B-B

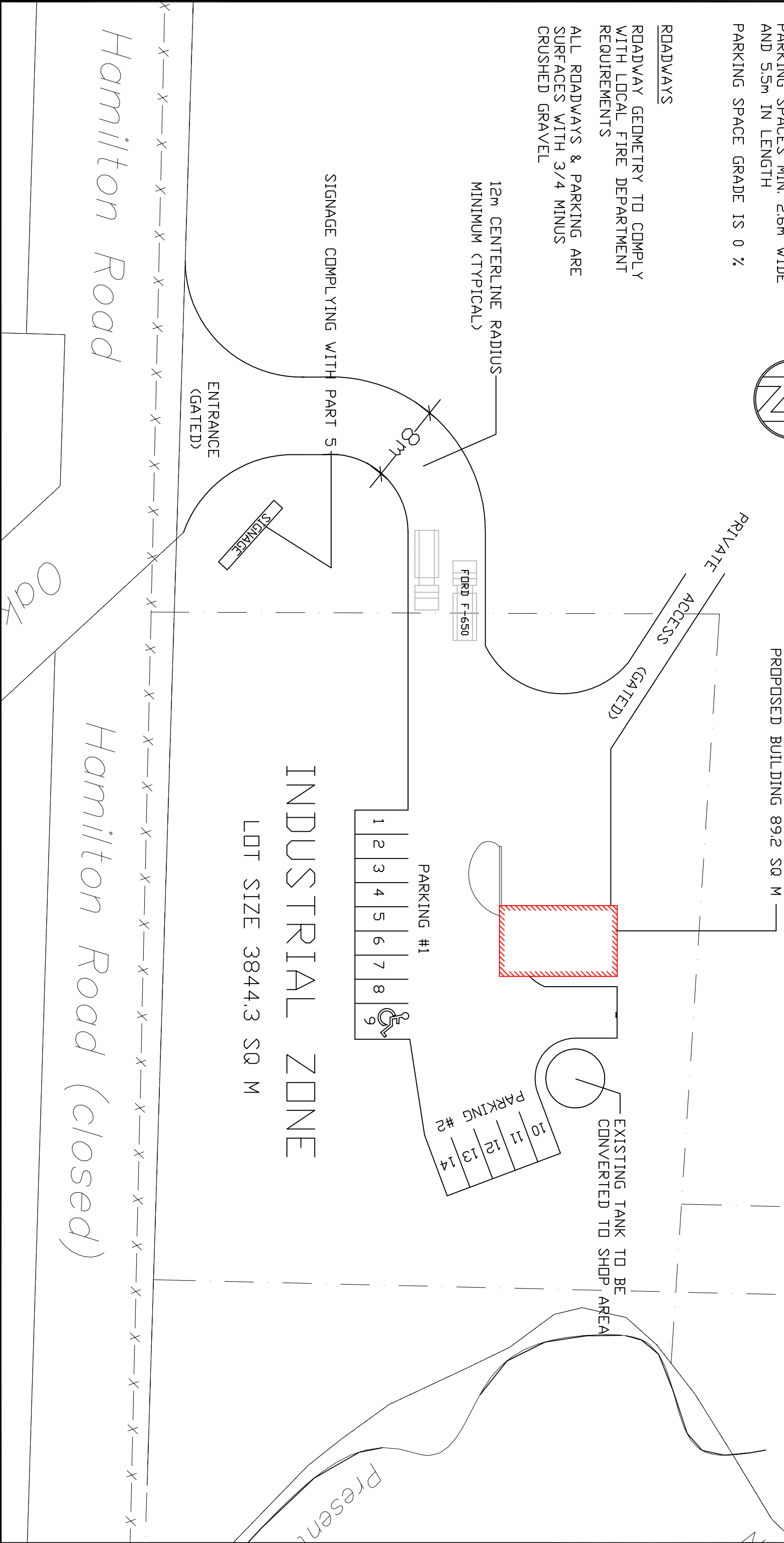
			SCALE 1/8" = 1'-0"		PLAN SHOWING CROSS SECTION DETAILS	PENDER ISLAND WASTE MANAGEMENT	
REV 3	ADDRESS	HAMILTON ROAD	PLAN NUMBER burdet2.dwg				PAGE 8 of 8
REV 2	MUNICIPALITY	PENDER ISLAND					
REV 1	PROVINCE	BRITISH COLUMBIA					
DRAFT	REFERENCE						
REVISIONS		DATE	MARCH 7th 2014				

PARKING SPACES MIN. 2.6m WIDE
AND 5.5m IN LENGTH

PARKING SPACE GRADE IS 0 %

ROADWAY GEOMETRY TO COMPLY WITH LOCAL FIRE DEPARTMENT REQUIREMENTS

ALL ROADWAYS & PARKING AREAS
SURFACES WITH 3/4 MINUS
CRUSHED GRAVEL



REV 3	ADDRESS	HAMILTON ROAD	SCALE 1 : 400	PLAN SHOWING TRAFFIC & PARKING	PENDER ISLAND WASTE MANAGEMENT
REV 2	MUNICIPALITY	PENDER ISLAND			
REV 1	PROVINCE	BRITISH COLUMBIA			
DRAFT	REFERENCE				
	DATE	MARCH 7th 2014			
REVISIONS			PLAN NUMBER burdet12.dwg	PAGE 2 of 8	



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No:

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

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

PART IV: Policies for the Stewardship of Resources

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

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

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

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

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

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

STAFF REPORT

June 17, 2014

File No.: NP-TUP-2014.2 (Bigham)

X-Ref: NP-TUP-2011.1
(Bigham)

To: North Pender Island Local Trust Committee
For the meeting of June 26, 2014

From: Justine Starke
Island Planner
Local Planning Services

CC: Robert Kojima, RPM

Re: Application for Temporary Use Permit

Owner: Karen and Douglas Singlehurst
Applicant: Braedon Bigham
Location: Lot 7, Sections 18 and 22, Pender Island, Cowichan District, Plan 6294

THE PROPOSAL:

This application is for a Temporary Use Permit (TUP) renewal of three years to continue with current industrial uses on the subject property. The existing Temporary Use Permit expired on April 1, 2014. Under this permit, the following uses have been permitted:

- a) The storage and handling of aggregates, soils and mulch.
- b) For certainty, for the purposes of this permit handling is defined as blending but does not include screening, sorting, crushing or washing.
- c) Wholesale of aggregates, soils and mulch.
- d) Accessory retail sales of bulk aggregates, soils and mulch to the general public.
- e) For certainty, bulk sales permitted in 2(d) does not include pre-package materials.
- f) Storage of recreational vehicles to a maximum of six.

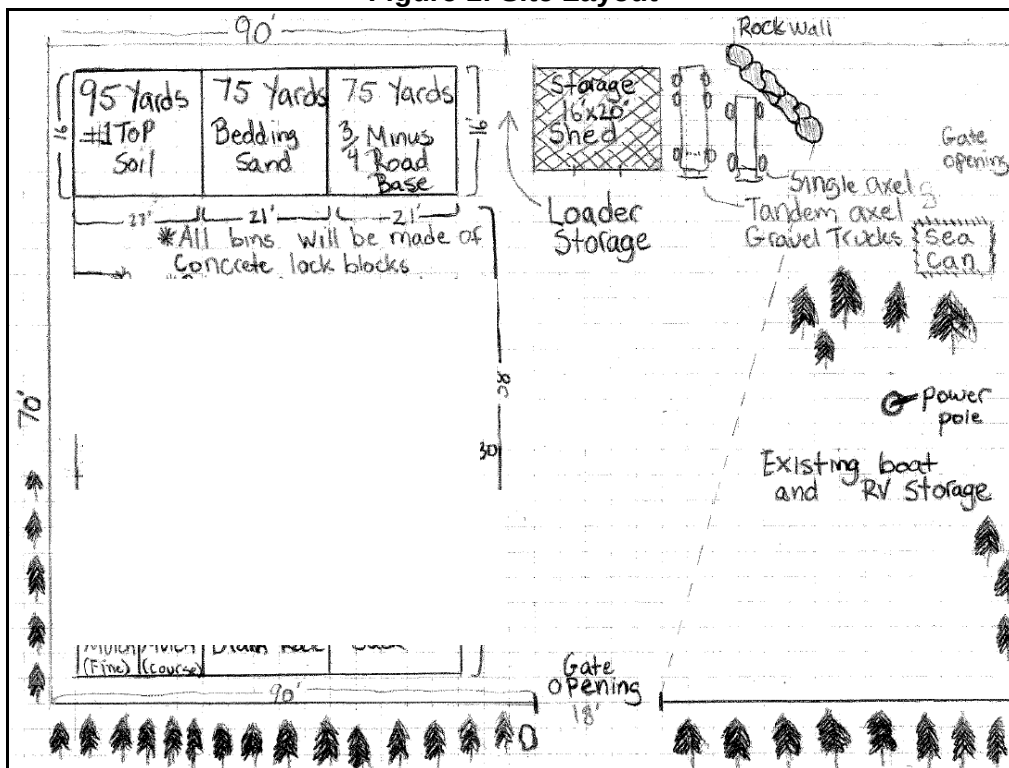
The following conditions of use would continue to be in effect under this TUP renewal:

- a) No on-site composting or storage of composted materials is permitted.
- b) Accessory retail sales to the general public are limited to 8:00 a.m. to 4:30p.m. Saturdays.
- c) Aggregates, soils and mulch materials stored on-site shall be contained within areas delineated along three sides with concrete lock block walls measuring a maximum height of 2 blocks (1.5 m).

- d) The maximum volume of aggregates, soils and mulch materials stored at one time is limited to 420 m³ (550 yd³)
- e) Existing vegetation screening along the front lot line and along one-half of the west lot line by cedar plantings shall be maintained at least 2 metres in height providing a visual screen, except for one access not exceeding 6 metres in width, and vegetative screening is to be extended to surround the entire subject area.
- f) Existing fencing along the front lot line and the interior side lot lines shall be maintained at least 2.5 metres in height, except for one access not exceeding 6 metres in width.
- g) The storage of all recreational vehicles permitted by 2(f) above shall include a suspended drip system (consisting of grommetted canvas squares suspended beneath the engines and lined with absorbent pads).
- h) The existing building measuring 16ft wide x 20ft long x 14.5ft high in the subject area shall be used for the storage of related materials and equipment or as office accessory to the uses permitted by this permit only.
- i) All equipment and materials permitted by paragraph 2 above are to be removed from the site by the date of the expiry of this permit. The removal of fencing is not a condition of this permit.
- j) Dust control measures shall be implemented to prevent impacts on neighbouring properties.
- k) Stored soils and mulch shall be covered to prevent leachates caused by rainfall.

The proposed permit renewal is attached as Schedule A for the LTC's consideration. There are no changes to the uses or conditions of use from the existing TUP.

Figure 1: Site Layout



BACKGROUND:

This property has been the subject of industrial Temporary Use Permits for more than 8 years. Previous TUPs issued to other operators permitted the use of the site as a residential waste drop off centre.

The existing TUP (NP-TUP-2011.1) was considered by the North Pender Local Trust Committee on March 31, 2011. The proposed permit was amended as a result of deliberations and authorized by LTC resolution. The permit was issued on April 1, 2011 for a period of three years. Under Section 921 of the Local Government Act, a Temporary Use Permit can be issued for up to three years and is eligible for one renewal term of up to three years. The renewal does not have to go through the same requirements for notification as initial applications for Temporary Use Permits do.

SITE CONTEXT:

The subject property is 6.1 ha (15 acres) in area and is zoned Rural in the North Pender Island Land Use Bylaw (LUB). The property is larger than many of the surrounding properties which tend to range from 4 to 10 acres. The North Pender Island Official Community Plan (OCP) designates the majority of the property Rural, with the front portion of the lot adjacent to Port Washington Road being designated Industrial. Beyond the current uses occurring on the industrial portion, the lot is otherwise undeveloped.

The subject property is adjacent to the building centre and across from the Mainroad yard on Port Washington Road, both zoned for industrial uses. There is also a commercial property where a small retail store is located in close vicinity.

There is fencing and landscaping along the front and side lot line, which remain in place. The existing access will also remain the same.

Figure 2: Subject Property Map

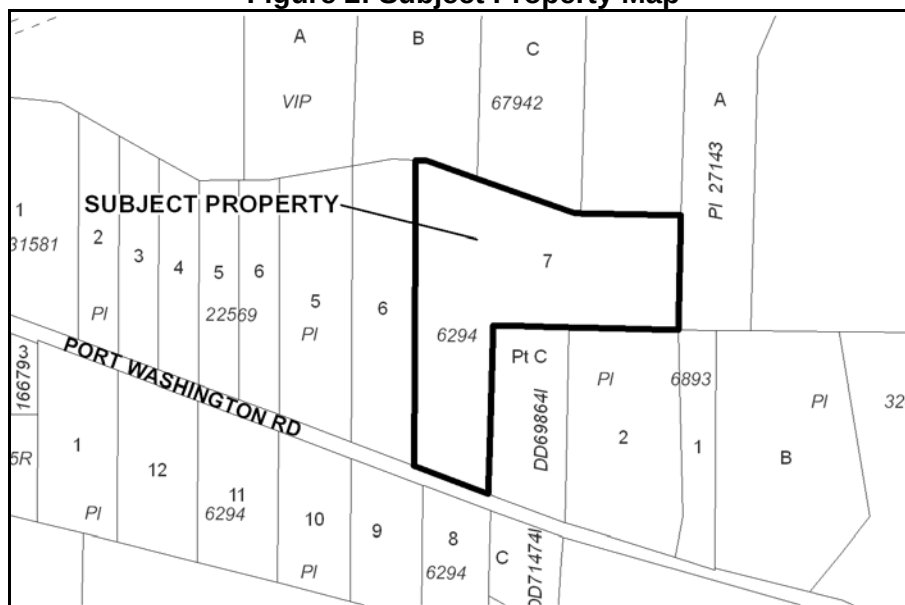


Figure 3: Subject Area Map

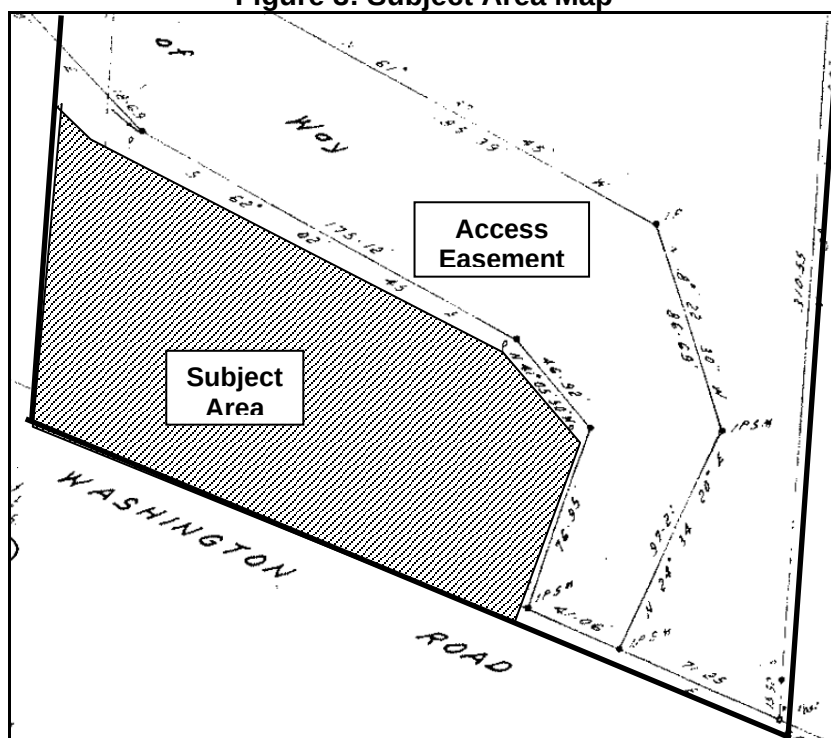


Figure 4: Orthophoto of Subject Property



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies in the policy statement relevant to this application are:

- Economic Opportunities 5.7.2: Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

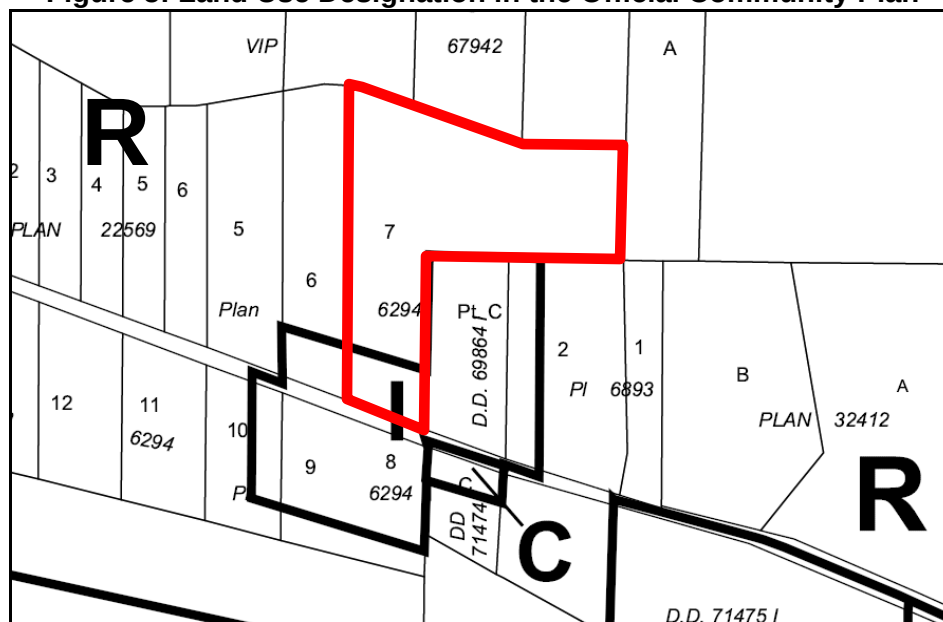
Official Community Plan:

The subject property is designated Rural on the majority of the lot, with a smaller area fronting on Port Washington Road being designated Industrial as shown below. The proposed uses are on the industrial portion of the lot.

Relevant industrial policies of the OCP include:

- 2.5.1 Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.
- 2.5.2 Priority may be given to the following locations for new or additional industrial development: a) by application to rezone the industrially designated land on Port Washington road.
- 2.5.6 Industrial activity, parking and storage areas should be screened.

Figure 5: Land Use Designation in the Official Community Plan



Land Use Bylaw:

The subject property is zoned Rural as are most of the surrounding properties. There are two adjacent properties zoned industrial, and a small area zoned commercial.

Islands Trust Fund:

There are no Trust Fund covenants or properties in the surrounding area.

Sensitive Ecosystems and Hazard Areas:

A portion of the property along the northern (rear) boundary is subject to the Woodland Sensitive Ecosystem Development Permit Area (DPA). The woodland DPA extends approximately 100m into the property. Furthermore, there is a small area of Herbaceous Sensitive Ecosystem in the north-east corner of the lot which is surrounded by the woodland DPA. The proposed TUP is approximately 200m distant from the DP boundary.

Based on GIS data, there is a relatively level area at the front of the property beyond which the topography rises steadily increasing approximately 100m in elevation to an upper ridge. There are numerous areas on the property identified as low and moderate steep slope hazards. The proposed use is primarily located in a low or no hazard areas with some moderate hazard area near the existing building.

Figure 6: Sensitive Ecosystem Development Permit Areas



Figure 7: Steep Slope Hazard Areas and 2m Contour Lines

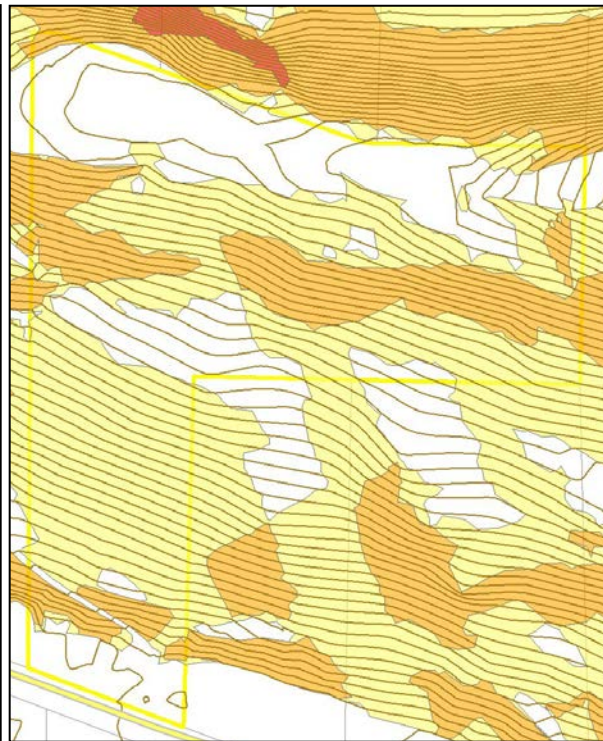
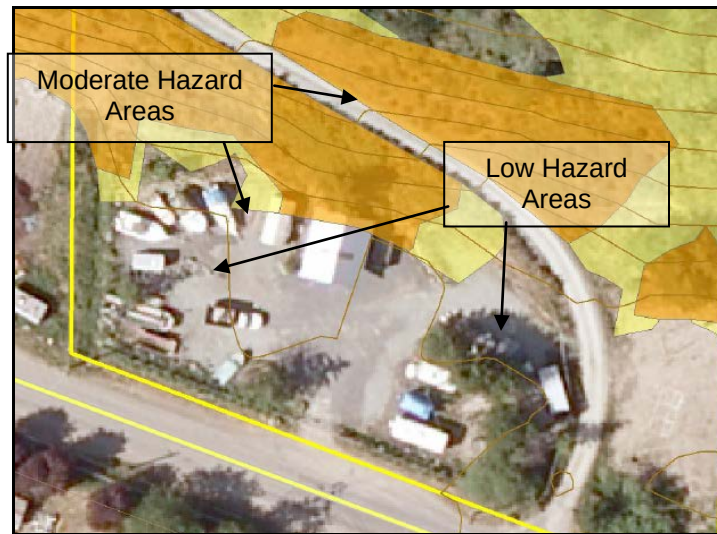


Figure 8: Orthophoto of Development Area with 2m Contours and Steep Slope Areas



Archaeological Sites:

There are no registered archaeological sites in the provincial database on the subject property.

Covenants:

There are no covenants registered on the title.

Climate Change Adaptation and Mitigation:

Localizing the availability of aggregates, soils and mulches may reduce the need for individual property owners to transport loads from off island sources, thereby reducing off island vehicle trips. There are anticipated economic and environmental benefits to bulk purchasing and transportation to a relatively central location with smaller deliveries to island residents as required. The area proposed for this use is an existing disturbed area so there are no anticipated changes to the property from climate change impacts.

Other:

Screening/Landscaping: Fencing and planting of cedar along the front lot line and part of the west lot line was required as part of the previous TUP and the current renewal includes maintenance of those requirements.

Nuisance from Dust and Odours: Nuisances associated with the operation including noise, dust and odours are addressed in the permit. Other impacts have been minimized by excluding screening, sorting, crushing or washing from uses permitted. The other conditions imposed by the current permit also limit the hours of operation to reduce impacts on neighbours. As an industrial designated area there is an expectation that some intensive activity would be occurring, which is balanced by regulating this in a manner that provides a fair expectation for anyone residing or working in the area to the degree of potential impacts.

Traffic Impacts: Vehicle traffic related to general public going to the site is limited to Saturdays.

Potential Contamination: The TUP conditions that reduce the potential for soil contamination. The conditions related to the storage of vehicles requires a suspended drip collection system under the engines, and does not permit pressure washing, scraping or painting.

RESULTS OF CIRCULATION:

A TUP renewal does not require notification of neighbours. Notification of the initial TUP was sent to owners and tenants of property within 100 meters of the subject property and publication of the notice in a newspaper. During the term of the TUP there have been no bylaw enforcement concerns or complaints received as a result of the operation.

STAFF COMMENTS:

Typically, a TUP is used in two circumstances: (1) where a use is truly temporary (e.g. a temporary processing operation) or (2) where the local government is willing to permit a use to commence prior to rezoning. The applicant has indicated an intention to make application to rezone the property prior to the end of this TUP extension.

The conditions imposed by the current (expired) TUP appear successful in mitigating impacts and nuisance concerns related to this type of operation.

The subject area has been a disturbed site with industrial uses for many years. It was used for household waste drop off and vehicle/boat storage in the five years previous to the current uses. The OCP has designated the site as industrial which indicates the anticipation of industrial uses in the area. A TUP is the ideal tool to assess the uses over time prior to considering a zoning amendment.

RECOMMENDATIONS:

THAT the North Pender Island Local Trust Committee approve Temporary Use Permit NP-TUP-2014.2 (Bigham) for a renewal period of three years.

Prepared and Submitted by:

Justine Starke

Island Planner

June 17, 2014

Date

Concurred in by:

Robert Kojima

Regional Planning Manager

June, 17, 2014

Date



Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT

NP-TUP-2014.2

TO: Karen Elaine Singlehurst and William Douglas Singlehurst

1. This Temporary Use Permit applies to the land described below:

That portion of:

Lot 7, Sections 18 and 22, Pender Island, Cowichan District, Plan 6294
PID: 005-837-693

indicated on Schedule 'A' as the Subject Area attached to and forming part of this permit.

2. This permit is issued for the purpose of allowing the following uses in the subject area:

- a) "The storage and handling of aggregates, soils and mulch."
- b) "For certainty, for the purposes of this permit handling is defined as blending but does not include screening, sorting, crushing or washing."
- c) "Wholesale of aggregates, soils and mulch."
- d) "Accessory retail sales of bulk aggregates, soils and mulch to the general public."
- e) "For certainty, bulk sales permitted in 2(d) does not include pre-package materials."
- f) "Storage of recreational vehicles to a maximum of six."

3. The uses may be carried on subject to the following conditions:

- a) No on-site composting or storage of composted materials is permitted.
- b) Accessory retail sales to the general public are limited to 8:00 a.m. to 4:30p.m. Saturdays.
- c) Aggregates, soils and mulch materials stored on-site shall be contained within areas delineated along three sides with concrete lock block walls measuring a maximum height of 2 blocks (1.5 m).
- d) The maximum volume of aggregates, soils and mulch materials stored at one time is limited to 420 m³ (550 yd³)
- e) Existing vegetation screening along the front lot line and along one-half of the west lot line by cedar plantings shall be maintained at least 2 metres in height providing a visual screen, except for one access not exceeding 6 metres in width, and vegetative screening is to be extended to surround the entire subject area.
- f) Existing fencing along the front lot line and the interior side lot lines shall be maintained at least 2.5 metres in height, except for one access not exceeding 6 metres in width.
- g) The storage of all recreational vehicles permitted by 2(f) above shall include a suspended drip system (consisting of grommetted canvas squares suspended beneath the engines and lined with absorbent pads).
- h) The existing building measuring 16ft wide x 20ft long x 14.5ft high in the subject area shall be used for the storage of related materials and equipment or as office accessory to the uses permitted by this permit only.

- i) All equipment and materials permitted by paragraph 2 above are to be removed from the site by the date of the expiry of this permit. The removal of fencing is not a condition of this permit.
 - j) Dust control measures shall be implemented to prevent impacts on neighbouring properties.
 - k) Stored soils and mulch shall be covered to prevent leachates caused by rainfall.
4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust. This permit renews the Temporary Use Permit for file no. NP.TUP.2011.1 and cannot be further renewed by resolution of the North Pender Island Local Trust Committee.
5. 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 approvals from the Capital Regional District, Vancouver Island Health Authority and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS 26th DAY OF June, 2014.

Deputy Secretary, Islands Trust

Date of Issuance

Access Easement

Subject Area

WASHINGTON ROAD

Way

See also... 1975

Signature



Memorandum

Date: June 16, 2014

File Number: NP-6500-20-Conservation
Subdivision Review

To: North Pender Island Local Trust Committee
For the meeting of June 26, 2014

From: Justine Starke, Local Planning Services

Re: Conservation Subdivision Review

Background

The North Pender Island Local Trust Committee (LTC) has initiated a conservation subdivision review as a top priority work project. The purpose of this memo is to update the NPILTC on the results of targeted consultation with North Pender large lot property owners and to present an updated timeline for the project charter.

The NPLTC last reviewed this project on March 27, 2014 where it resolved:

NP-2014-038

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee endorses the revised project charter, as amended and referred to as Version 2, updated March 27, 2014, for the Conservation Subdivision Project.

CARRIED

Owners Workshop

On June 14th 2014, staff held a workshop with ten North Pender Island property owners to introduce and discuss the conservation subdivision approach. The workshop ran from 12-3 pm, with lunch provided. Informational materials were provided to participants, including brochures for the Natural Areas Property Tax Exemption Program and contact information for Islands Trust staff. The agenda was as follows:

1. Welcome
2. Overview of Conservation Subdivision Project
3. Discussion of Principles
4. Examples and Case Studies
5. Lunch
6. Workshop: Laying out a Conservation Subdivision Design

Two property owners volunteered to have their properties used as examples for the afternoon workshop. Large plans of the properties were overlayed with acetate layers showing different attributes (sensitive ecosystems, contours, aerial photo, groundwater vulnerability, etc.). Hypothetical options for a conservation subdivision design were discussed and explored for each example. Brent Taylor of Polaris Land Surveying Inc. assisted with the presentation and offered technical experience and insights during the workshop.

General feedback was positive; property owners seemed engaged with the concepts and ideas presented, and were appreciative at being consulted in this way.

Next Steps

According to the project charter, next steps for this project would involve consideration of policy and regulatory options to enable a conservation approach to subdivisions by land owners. A staff review and analysis of the existing regulatory framework for subdivisions was provided to the NPILTC on March 27, 2014. At that time, it was recommended that the LTC advance regulatory and policy drafting to encourage conservation subdivisions. The NPILTC did not take staff recommendations, commenting it was premature without further consultation with large lot property owners. As a result of engaging with property owners in Saturday's workshop, there are indeed other areas identified in the OCP and the Land Use Bylaw that could benefit from further review prior to considering regulatory changes. Some provisions have been identified as potential obstacles to implementing a conservation approach to subdivision, as well as opportunities for incentives have been identified that would encourage it. Staff would like the opportunity to flesh these areas out and bring a report with analysis to the August 28, 2014 LTC. Staff have updated the project charter timelines accordingly.

Project Charter:

The amended timeline outlined in the project charter reflect the discussion suggested under "Next Steps." Such changes are considered administrative and not in need of an LTC resolution of adoption.

Deliverable / Milestone	Target Timeline	Status
Identify project goals and objectives, refine scope and timeline	May LTC	Done
Endorse project charter	June LTC	Done
Technical review of current subdivision potential – update data	July-Sept	Done
Identify key features to guide development pattern and develop mapping – using general concepts and existing mapping	July-Sept	Draft
Preliminary community engagement	Sept – Oct <u>November 2013</u>	For discussion <u>Done</u>
Follow-up community engagement A more detailed review for input on specified, proposed implementation	Nov <u>June 2014</u>	<u>Done</u>
Engage targeted stakeholders: large lot owners, surveyors,	Dec <u>June 2014</u>	<u>Done</u>
Consider existing subdivision regulations	Dec – Jan <u>July-August 2014</u>	<u>On-Going</u>
Consider policy and regulatory options	Dec – Jan <u>August 2014 – January 2015</u>	<u>On-Going</u>
Bylaw amendment process including agency referral	Feb – Mar <u>January – April 2015</u>	
Community Information Meeting and Public Hearing for any proposed LUB or OCP amendments	Apr <u>April – May 2015</u>	

pc Robert Kojima, Regional Planning Manager



Top Priorities

North Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Shoreline Review	• develop school/community workshop - ON_GOING • develop and distribute tri-fold brochure - DONE • develop powerpoint from materials - DONE • develop compiled map of shore features - DONE	Sep-22-2011	Robert Kojima Justine Starke	Sep-01-2014	On Going
2	Conservation Subdivision Review	• identify natural and cultural features to be prioritized for protection • community engagement • engage key stakeholders, including property owners of larger lots • review options to implement in LUB and OCP	Feb-28-2013	Robert Kojima Justine Starke	Oct-01-2014	On Going
3	Age and disability friendly communities	Explore age and disability friendly community planning, with an initial focus on parking and access in commercial and service zones.	May-22-2014	Justine Starke	Nov-06-2014	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	Jan-22-2009	On Going
2	Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	Jan-22-2009	On Going
3	Other OCP projects:		Jan-22-2009	On Going
	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			
4	Agricultural Building Watercourse Setbacks		Jul-28-2011	On Going
5	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	Feb-22-2012	On Going
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	Mar-22-2012	On Going

- 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

7	Road Side Signs		Apr-26-2012	On Going
8	Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	Jun-28-2012	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	Sep-20-2012	On Going
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

Date: May 26, 2014

File No.: 6500 -20

To: Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee

From: Robert Kojima, Regional Planning Manager
Marnie Eggen, Planner 1

CC: Regional Planning Managers
Southern Team Island Planners
David Marlor, Director of Local Planning Services

Re: New Federal *Marihuana for Medical Purposes Regulation*

THE PROPOSAL:

The purpose of this report is to provide Local Trust Committees with the following:

- an overview of the new *Marihuana for Medical Purposes Regulation*;
- an overview of its implications for the Islands Trust Southern Region;
- a summary of the zones in Southern Region local trust areas that could currently permit medical marihuana production; and
- options on how to proceed

A version of this report has been provided to Northern Region Local Trust Committees.

BACKGROUND:

Implementation of the new Federal *Marihuana for Medical Purposes Regulations* (MMPR) is underway. The new regulations (June 2013) came into force on April 1, 2014. However, as a result of a Federal Court Order, brought down March 21, 2014, those operating under the old regulations, *Medical Marihuana Access Program* (MMAR), are allowed to continue to produce medical marihuana past the original expiry date of March 31, 2014. The Order, however, does not affect the right of commercial medical marihuana producers to proceed with applications to Health Canada for licenses under the MMPR.

The new system relies on a more secure supply and distribution system that is based on federally licensed production facilities.

The key elements of the federal MMPR program are the following:

1. Production in residential dwellings will no longer be permitted.
2. All aspects of medical marihuana growth, cultivation, processing, storage, research and development, shipping/distribution and administrative office functions are to be centralized and contained within an enclosed, indoor, secure facility, which must contain a restricted-access area and 24/7 video surveillance monitoring.
3. A commercial licensed producer will have the ability to conduct research and development, test and produce a variety of strains.
4. Only dried marihuana may be produced and sold.
5. Storefronts and retail outlets will not be permitted.
6. All medical marihuana distribution will be by a secured courier to a registered client.
7. Key facility personnel must hold valid security clearance, issued by Health Canada.
8. Applicants for a commercial medical marihuana production license must provide notice (including location details) to the local government, and police and fire.
9. Health Canada will ensure that a Facility meets security, safety, quality control, record keeping, inventory and monitoring requirements to avoid theft. Health Canada is not bound to ensure compliance with local government zoning when issuing licenses.

Generally, the proposed changes will move the industry from many small producers to fewer larger commercial producers. *Marihuana for Medical Purposes Regulation* may be found at: <http://gazette.gc.ca/rp-pr/p2/2013/2013-06-19/html/sor-dors119-eng.php>

Health Canada

Health Canada indicates, as of November, 2013, that it has received over 250 applications from individuals or companies seeking to become certified producers. Under the new regulation, applicants for a production licence are required to notify the local government, local police force and local fire officials of intention to apply to Health Canada.

As defined within the Regulation,

“local government” includes the government of

- o *(a) an incorporated or unincorporated city, metropolitan area, town, village or municipality;”*

Health Canada has indicated that it will not publically release the location of production sites. In the licencing process, it is looking to assure that producers are familiar with and able to comply with local government land use, development and servicing provisions. Health Canada does enable producers to publicize the location, and recognizes that an application to amend zoning or for a variance permit requires notification of the location.

Agricultural Land Commission

The British Columbia Agricultural Land Commission (ALC) has released an information bulletin stating that “if a land owner is lawfully sanctioned to produce marihuana for medical purposes, the farming of said plant in the Agricultural Land Reserve (ALR) is permitted and would be interpreted by the Agricultural Land Commission as being consistent with the definition of “farm

use” under the ALC Act.” Production of the plant indoors is considered farming, similar to a vegetable greenhouse operation. A small business office, testing lab, processing and drying, packaging/shipping areas, cloning room and anything else directly related to the growing and processing of the plant are considered to be accessory uses associated with farm use. Determining an accessory use is contingent on the use being necessary and commensurate with the primary function of the property/building to produce an agricultural product. If a land use activity is proposed that is not specifically related to the growing of an agricultural product including a stand-alone research and development facility, an application to the Land Commission for non-farm use would be required.

Anecdotally, the Land Commission advises that a standard production and distribution facility may range from 10,000 to 50,000 square feet in size. Similarly to other indoor plant production, common nuisances for surrounding property owners may include odors, noise associated with air ventilation and generators, and night time lighting.

The Information Bulletin may be found at:

http://www.alc.gov.bc.ca/publications/ALC_Info_Bulletin_Marijuana_Amended_Jan_2014.pdf

Union of BC Municipalities

The Union of BC Municipalities (UBCM) wrote to the federal Health Minister in June 2013 to draw attention to gaps in the federal licensing process that could allow an application to be approved which does not meet local government regulations. Responding to this concern, Health Canada is initiating phone confirmation directly to local governments to ensure that it has received notice of the application. Staff are not aware of any licenses issued under the new regulations to date within the Islands Trust Area. Islands Trust has received a handful of notices of intent; none have been received for locations within the Southern Region.

Notice of intent to Local Governments

Health Canada has designed a program that provides improved security of production and responds to the medical needs of Canadians. Implementing the program across Canada has not enabled federal authorities to tailor its process to each unique level of local government.

Health Canada requires that applicants, prior to submitting an application, must “provide written notice to local authorities to inform them of their intention to submit an application”. It also states that notice must be delivered to a senior official of the local government, of the RCMP, and of the local fire authority. To date, two notices of intent have been received for the Northern Region and the letter of response, copied to Health Canada, has included the following information:

- provisions of the applicable Land Use Bylaw, any applicable Development Permit Area provisions;
- reference to other agencies that work in cooperation with Islands Trust to manage development and servicing within the Trust Area; and
- a request that Health Canada refer the completed application with site plan for confirmation of compliance with the applicable Local Trust Committee bylaws.

Further information from Health Canada indicates that Health Canada won't be referring the completed application to local governments. As a result, staff will be requesting a full set of site

plans from the applicant. As further information is provided from Health Canada, these processes may change. Local trust committees are not being copied or otherwise notified of these responses to notices of intent.

Health Canada is working with the Federation of Canadian Municipalities to develop a Fact Sheet. It has not confirmed if local elected officials are to be advised of the application, nor has it reconciled how the perspectives of the locally elected officials would be gathered if the location and address is protected by federal privacy and security provisions. At best, the comments of a local trust committee may be considered in-camera under section 90(1)(m) of the *Community Charter*.

Local Government Development and Servicing Regulations

Land use bylaws in each individual local trust area provide regulations concerning land use. Servicing of new development may be governed by bylaws of an applicable regional district, water purveyor, fire service area, or improvement district.

Islands Trust Policy Statement

The Policy Statement provides a general strategy for land use planning in partnership with provincial and federal agencies to achieve Object of the Islands Trust (Reference BC *Islands Trust Act* and *Islands Trust Policy Statement*, 1993). Specific strategies addressed include ecosystem protection, stewardship of resources, and sustainable communities. Within the policy statement, there is commitment that some uses are not suited to the Trust Area.

The production of marihuana for medicinal purposes is not addressed explicitly in the Policy Statement. Several policies address all forms of development and essential servicing such as transportation or water supply, and environmental quality such as the following:

3.1.9 Trust Council encourages actions and programs of other government agencies which... prevent pollution of the air, land and fresh and marine waters of the Trust Area.

4.1.2 Trust Council shall consult with the Ministry of Agriculture and the British Columbia Land Reserve Commission to request that agricultural policies applied to the Trust Area are appropriate to the nature of agriculture within the Trust Area, including, but not limited to, the smaller island scale of agricultural activities.

4.4.1 It is Trust Council's policy that islands in the Trust Area should be self-sufficient in regard to their supply of freshwater.

5.1.2 It is Trust Council's policy that the intensity of noise and lighting in and through the Trust Area should be compatible with community character.

STAFF COMMENTS:

Medical marihuana production under the MMPR could include the following activities:

- Growing and harvesting
- Testing
- Research
- Processing

- Packing and storage
- Shipping and distribution
- Administration

Due to the nature of the above activities and the requirements for secure facilities, the impacts of the activity could be considered more akin to an industrial land use due to the scale and characteristics of the buildings. Depending on the bylaw, medical marihuana could be an outright permitted use in some industrial zones; however, in order to be permitted, the definition would have to address all aspects of the use, including growing and harvesting. As it is considered an agricultural land use by the Agricultural Land Commission (ALC), by the same principle it would also be permitted outright in zones where agriculture is a permitted use. As the ALC has recognized the licensed production of medical marihuana as a “farm use” under the *ALC Act*, medical marihuana production facilities are permitted on all lands that are located in the Agricultural Land Reserve. Local governments can, however, regulate the use within the ALR; for example, significant setbacks could be established. Local trust committees consider whether amending their bylaws to regulate the use within the ALR and to address the production of medical marihuana use in zones outside the ALR. Additionally, as outlined in the Islands Trust Policy Statement above, the production of medical marihuana may not be an appropriate use for some areas; for example, small lots, smaller islands that are solely residential in character, or islands that have no ALR or industrial zoned lands. Also, consideration should be given to the likelihood of such operations on islands where services are limited, such as no connection to power, no ferry service, limited water supply.

It is difficult to anticipate if any producers will ever be licensed in the Southern local trust areas. Although Health Canada has received at least 250 applications, it is also very hard to predict how many producers will fill the market in Canada. Health Canada has not imposed any limits, but is taking the approach of letting the market decide.

Many BC local governments have adopted or are currently adopting bylaw amendments addressing the new MMPR. The zones where this use is generally being permitted are industrial and agricultural. Setbacks and minimum parcel size are key components of bylaw amendments. Setbacks are generally being set at 30 m and larger, and minimum parcel size ranges from approximately 2 ha to 260 ha.

Zones that Currently Permit the Production of Medical Marihuana in the Southern Region

The following outlines the various land use bylaws and zones where the production of medical marihuana, licensed under the MMPR, would be permitted currently in the land use bylaws in the Southern Region. Generally the use would be permitted in zones where agriculture is a permitted use, along with accessory uses.

Galiano Island Local Trust Area

Galiano Island Land Use Bylaw No. 127 would permit the production of medical marihuana under the new MMPR in the Rural 2 (R2), Rural 3 (R3) and Agriculture (AG) zones as a “Farm Use”, in combination with provisions for accessory uses. The Light Industrial (L1) and Forest Industrial (FI) zones would not permit the use.

Mayne Island Local Trust Area

The current Mayne Island LUB No. 146 would permit the production of medical marihuana licensed under the MMPR in the following zones based on the definition of “agriculture” along with the accessory use provisions:

- Miners Bay Rural Comprehensive (MRBC)
- Rural (R)
- Upland (UP)
- Agriculture (A)
- Country Guest House Commercial (C5)

The Mayne Island industrial zone (I1) would not permit medical marihuana production.

North Pender Island Local Trust Area

The current North Pender Island LUB No. 103, 1996 would permit the production of medical marihuana licensed under the MMPR in the following zones based on the definition of “agriculture,” and its link to the ALCA:

- Rural (R)
- Rural Comprehensive One (RC1)
- Rural Comprehensive Two (RC2)
- Agriculture (AG)

The industrial zones would not permit the use.

The North Pender Associated Islands LUB No. 148 would permit the production of medical marihuana licensed under the MMPR in the following zones based on the definition of “agriculture” and extensive ALR lands:

- Rural Residential (RR)
- Agriculture (A)
- Agriculture Two (A2)
- Industrial One (I1)
- Forestry One (F1)
- Community Service One, Two and Three (S1, S2, S3)
- Forrest Island Comprehensive Development Zone (CD 1)
- James Island Comprehensive Development Zone (CD 3)

Saturna Island Local Trust Area

The current Saturna Island LUB No. 78 would permit the production of medical marihuana licensed under the MMPR as a “farm use” in the following zones:

- Rural Residential (RR) – on parcels 1.0 hectare or larger
- Rural General (RG) – on parcels 1.0 hectare or larger
- Rural Agricultural Sales (RAS)
- Rural Comprehensive Development (RCD)
- Farmland (F)
- Farm Resort (F1)
- Farm Retreat (F2)
- Forest Reserve (FR) on lands also within the ALR
- Forest General (FG) on lands also within the ALR

South Pender Island Local Trust Area

The current South Pender Island LUB No. 92 would permit the production of medical marihuana licensed under the MMPR in the following zones where “agriculture” is a permitted use, in combination with the accessory use provisions:

- Rural Residential One, Two and Three (RR1, RR2 & RR3)
- Agriculture (A)

SUMMARY OF OPTIONS:

Staff recommends that local trust committees consider and direct staff on their preferred approach in respect of the new MMPR. Local Trust Committees have the following options:

- a) **Status Quo:** This could be an appropriate response where no notifications have been received and it is unlikely that a medical marihuana production facility under the new MMPR would be approved.
- b) **Add to the projects list:** This would allow an LTC to consider future amendments, balancing the likelihood of a medical marihuana production facility being applied for under the MMPR in future with the other projects on an LTC’s work program.
- c) **Add to the top priorities list and direct staff to provide more information:** If the LTC chooses this option based on concerns about potential impacts, staff should be directed to report back with options.

RECOMMENDATIONS:

1. **THAT**, with regard to the production of medical marihuana under the new *Marihuana for Medical Purposes Regulation*, the (*insert Island*) Local Trust Committee not consider amendments to the (*insert Island name*) Island Bylaw No. (*insert no.*) at this time.

OR

2. **THAT** the *(insert Island)* Local Trust Committee direct staff to add to the projects list the production of medical marihuana under the *Marihuana for Medical Purposes Regulation*.

OR

3. **THAT** the *(insert Island)* Local Trust Committee direct staff to add to their top priorities list an amendment to the *(insert Island name)* Island Bylaw No. *(insert no.)* regarding the production of medical marihuana under the *Marihuana for Medical Purposes Regulation* and direct staff to provide further information on options for limiting and regulating the use.

Prepared and Submitted by:

Marnie Eggen

Marnie Eggen, Planner 1

April 28, 2014

Date

RKj

Robert Kojima
Regional Planning Manager

May 26, 2014

Date

Applications w/ Status - North Pender Island

Status: Open

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2012.1	Michael and Anne Burdett Planner: Justine Starke	Nov-09-2012	Waste transfer/sorting facility with commercial recycle & composting

Planning Status

Status Date: Jun-05-2014

Bylaw drafted for consideration by LTC on June 26

Status Date: May-29-2014

Communications with Applicant to confirm proposed uses and operational management strategies

Status Date: Apr-28-2014

ALR Boundary Defined

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2012.2	Clam Bay Holdings Ltd Planner: Kim Farris	Nov-27-2012	To rezone to permit clustered residential uses and remove agri-tourism accommodation uses

Planning Status

Status Date: Jun-10-2014

CIM/PH scheduled for June 26th LTC meeting

Status Date: Jun-05-2014

CIM/PH notification sent

Status Date: May-09-2014

Legal Services Review sent to YA

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2013.1	Ron Henshaw	Jan-18-2013	3418 SOUTH OTTER BAY RD - applies to portion of property with 4402 Otter Bay Rd address Allowing for present use (gravel storage & sales; construction debri, and sorting & recycling & transfer of materials & garbage).

Planner: Justine Starke

Planning Status

Status Date: Jun-04-2014

Contacted applicant to check in. Left message.

Status Date: Mar-07-2014

draft operations plan received. Reviewed by staff, suggested revisions and information still pending identified - returned to applicant for consideration

Status Date: Jul-08-2013

geotech report rec'd

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2013.2	JC Cosh & JF Wood c/o Karl Hamson for the Elder Project	Jul-08-2013	4601 BEDWELL HARBOUR RD To amend the LUB to rezone the rural portion of the lot to allow for a 24 unit seniors housing complex plus necessary support structures and facilities

Planner: Justine Starke

Planning Status

Status Date: Jun-05-2014

Application on hold while applicant addresses water requirements

Status Date: Sep-17-2013

letter sent to applicant regardin information required

Status Date: Sep-03-2013

proceed working on application as sr's and special needs housing

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.3	cRJ Wey & Associated Land Surveying (Philpot)	Jul-24-2012	Proposed 3 lot Strata Development

Planner: Justine Starke

Planning Status

Status Date: May-29-2014

Communications with applicant have confirmed DVP and DPs as well as other requirements as conditions of PLA

Status Date: Oct-17-2012

PLA issued

Status Date: Sep-17-2012

response sent to MOTI

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.4	Edgewood Estates c/o Graham Ross Planner: Kim Farris		2218 CLAM BAY RD To create 11 lots including remainders

Planning Status

Status Date: May-29-2013

Applicant to determine location of strata road access prior to initiating the required DP

Status Date: Apr-11-2013

PLA received from MOTI

Status Date: Feb-26-2013

fees received, SD review drafted

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2014.2	Braedon Bigham	May-20-2014	3334 PORT WASHINGTON RD Renew TUP and add retail sales.

Planner: Justine Starke

Planning Status

Status Date: Jun-16-2014

Staff Report and Permit prepared for June 26 NPLTC agenda

Status Date: Jun-05-2014

Renewall confirmed to maintain existing uses (excludes retail sales).

Status Date: May-20-2014

processed cheque, sent receipt of fees, opened file and gave to Planner

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2014.3	Shaw Communicatin Inc.	Jun-06-2014	5827 SCHOONER WAY TUP Renewal

Planner: Kim Farris

Planning Status

Status Date: Jun-09-2014

Opened file, processed fee, gave to Planner

Islands Trust
LTC EXP SUMMARY REPORT F2015
Invoices posted to Month ending May 2014

650 North Pender	Invoices posted to Month ending May 2014	Budget	Spent	Balance
65000-650	LTC "Trustee Expenses"	700.00	57.48	642.52
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	2,750.00	494.09	2,255.91
65210-650	LTC - Local Exp - APC Meeting Expenses	750.00	51.43	698.57
65220-650	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-650	LTC - Local Exp - Special Projects	750.00	362.86	387.14
TOTAL LTC Local Expense		<u>4,550.00</u>	<u>908.38</u>	<u>3,641.62</u>
Projects				
73001-650-2006	North Pender OCP/LUB	3,000.00	2,996.96	3.04
73001-650-4018	North Pender Subdivision Review	0.00	589.16	-589.16
73001-650-4028	North Pender Conservation Subdivision /Shoreline Review	2,000.00	0.00	2,000.00
73001-650-4029	North Pender Road/Transportation Amendments	2,500.00	0.00	2,500.00
TOTAL Project Expenses		<u>7,500.00</u>	<u>3,586.12</u>	<u>3,913.88</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.

The Southern Gulf Islands Economic Development Commission (SGIEDC) wishes to develop a Food and Agriculture Strategy that includes an Agricultural Land Use Inventory (ALUI) and Agriculture Water Demand Model (AWDM). The CRD will provide project oversight to this initiative. The SGIEDC will, through the SGI Area Agricultural Plan Steering Committee (currently being set up), guide development of the strategy, inventory and model and ensure that the project is responsive to community needs. Other key stakeholders will be engaged including but not limited to: farmers/growers, value added providers, retailers, funders, chefs, agricultural societies, Local Trust Committee, Chambers of Commerce, backhaulers, Ministry of Agriculture, CRD, and the SGI Economic Development Commission.

On July 17, 2013 the CRD Board supported a Gas Tax allocation that was leveraged to acquire Investment Agriculture Foundation funding to support the development of a SGI Food and Agriculture Strategy in addition to the development of an Agricultural Land Use Inventory and Water Demand Model. The SGIEA Director appointed Michael Dunn, member of the SGI EDC as the main point of contact for the consultant with project management support from CRD Regional Planning. Regional Planning will communicate regularly with the consultant regarding project progress, budget, timing and communications/engagement.

An agricultural land use inventory (ALUI) and agricultural water demand model (AWDM) will be the first two components of the food and agriculture strategy. The two projects will trigger important community engagement about food and agriculture that will carry on throughout the Food and Agriculture Strategy process. These conversations will ideally cross over and inform the Food and Agriculture Strategy. The ALUI, AWDM, and Food and Agriculture Strategy processes will connect to and compliment agriculture inventories and related planning work being undertaken elsewhere in the region such as Salt Spring Island, North Saanich and Central Saanich.

The Food and Agriculture Strategy, AWDM and ALUI contract is expected to begin in the Summer of 2014. The ALUI and AWDM model must be completed by December 31, 2014 and the Food and Agriculture Strategy must be completed by April 30, 2015.

The planning process will consist of five phases: Phase 1 Pre ALUI, Phase 2 Communications (Ongoing), Phase 3 ALUI and AWDM Field Work, Phase 4 Post Survey Data Analysis and Report Preparation, and Phase 5 Food and Agriculture Strategy Preparation. The SGIEA ALUI, AWDM, and Food and Agriculture Strategy is intended to help re-establish local food and agriculture as a vital part of the Southern Gulf Islands' economy and support long term community resiliency. A clear road map and implementation plan are expected to be a key component of the strategy and intended to provide long term direction to the community. If you have any questions please contact the CRD's project manager, Jeff Weightman at 250-360-3162 or jweightman@crd.bc.ca.