



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: November 7, 2019
Time: 10:00 am
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

	Pages
1. CALL TO ORDER	10:00 AM - 10:05 AM
2. APPROVAL OF AGENDA	
3. TRUSTEE REPORT	10:05 AM - 10:15 AM
4. CHAIR'S REPORT	10:15 AM - 10:20 AM
5. TOWN HALL AND QUESTIONS	10:20 AM - 10:40 AM
6. COMMUNITY INFORMATION MEETING	
none	
7. PUBLIC HEARING	
none	
8. MINUTES	10:40 AM - 10:45 AM
8.1 Local Trust Committee Minutes Dated September 5, 2019 (for Adoption)	4 - 12
8.2 Section 26 Resolutions-without-meeting Report	
none	
8.3 Advisory Planning Commission Minutes Dated	
none	
9. BUSINESS ARISING FROM THE MINUTES	10:45 AM - 10:50 AM
9.1 Follow-up Action List Dated October 2019	13 - 14
10. DELEGATIONS	10:50 AM - 11:00 AM

10.1	Southern Gulf Islands Community Economic Commission - CRD Representative Re: Connectivity	15 - 34
11.	CORRESPONDENCE	11:00 AM - 11:10 AM
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
11.1	Letter to the Allans on behalf of the LTC & Response letter from Allan & Wein - 3418 South Otter Bay Road	35 - 38
12.	APPLICATIONS AND REFERRALS	11:10 AM - 11:45 AM
12.1	NP-TUP-2019.2 (Hepburn) - Staff Report (attached)	39 - 49
12.2	NP-OTH-2019.2 (Shaw) - Staff Report (attached)	50 - 70
12.3	NP-TUP-2018.5 (Grimmer) - Staff Memo (attached)	71 - 123
13.	LOCAL TRUST COMMITTEE PROJECTS	11:45 AM - 12:15 PM
13.1	STVR Review - Staff Report (attached)	124 - 135
13.2	OCP Implementation Project - Staff Report (attached)	136 - 141
14.	REPORTS	12:15 PM - 12:30 PM
14.1	Work Program Report (attached)	
14.1.1	<u>Top Priorities Report Dated October 2019</u>	142 - 143
14.1.2	<u>Projects List Report Dated October 2019</u>	144 - 145
14.2	Applications Report Dated October 2019 (attached)	146 - 151
14.3	Trustee and Local Expense Report Dated September 2019 (attached)	152 - 152
14.4	Adopted Policies and Standing Resolutions (attached)	153 - 155
14.5	Local Trust Committee Webpage	
14.6	Islands Trust Conservancy Report	
	none	
15.	NEW BUSINESS	12:30 PM - 12:40 PM
15.1	Live Streaming LTC Meetings - Briefing (attached)	156 - 157
	for response	

16. **UPCOMING MEETINGS** 12:40 PM - 12:45 PM
- 16.1 **Next Regular Meeting Scheduled for November 28, 2019, at the Community Hall, Pender Island**
- 16.2 **2020 Proposed Annual Meeting Schedule (attached for Adoption)** 158 - 158
17. **TOWN HALL** 12:45 PM - 1:00 PM
18. **CLOSED MEETING** 1:00 PM - 1:15 PM
- 18.1 **Motion to Close Meeting**
- That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (d & i) for the purpose of considering:*
- *Adoption of In-Camera Minutes Dated September 5, 2019*
 - *Legal Opinion*
- AND that the recorder and staff attend the meeting.*
- 18.2 **Recall to Order**
- 18.3 **Rise and Report**
19. **ADJOURNMENT** 1:15 PM - 1:15 PM



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: September 5, 2019
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: Laura Patrick, Chair
Deb Morrison, Local Trustee
Benjamin McConchie, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Warren Dingman, Bylaw Compliance Enforcement Manager
Shannon Brayford, Recorder

Public: There were 16 members of the public.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:00 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She noted that the meeting was being live streamed.

2. APPROVAL OF AGENDA

It was recommended that item 12.3 NP-TUP-2019.2 (Hepburn) be removed from the agenda following a request from the applicant that it be deferred.

By general consent the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee Morrison provided a report including the following points:

- Thanked Magic Lake Water and Sewer for their progress on sewer improvement plans;
- Thanked the community for their input on climate change issues;
- Update on Gardom Pond, the community's expressions of regret at its draining, and opportunities for Trust Council to prevent similar situations in the future;
- Meeting with the local Fire Chief regarding water protection and pond preservation;
- Thanked Bylaw Enforcement for their consistent work, particularly regarding Short Term Vacation Rentals (STVRs) and derelict vehicles; and
- Update on Islands Trust's adoption of virtual meeting formats and the benefits.

Trustee McConchie provided a report including the following points:

- Regret at the outcome of the Gardom Pond issue;
- Recommendation that people use restraint when property owners perform tree removal;
- There is a minimum house size, but not a maximum one on North Pender Island; and
- Overview of a meeting between key community members and BC Ferries.

4. CHAIR'S REPORT

Chair Patrick reported the following:

- Islands Trust will launch a policy statement engagement program. She advised the community that they can register on the website to receive updates and information;
- On-island engagements will happen in November; and
- An overview of the strategic engagement undertaken at Trust Council regarding climate change adaptation.

5. TOWN HALL AND QUESTIONS

Wilma Riley spoke against STVRs and their negative impact on infrastructure. She requested and received information on bylaw enforcement. She also addressed the amount of slash being removed from trees and left by roadsides. She recommended that the Capital Regional District (CRD) remove the debris as it does in other areas.

Daurel Minion clarified the current progress and future process for the Magic Lake Water and Sewer referendum. She addressed the issues with awarding Temporary Use Permits (TUPs) for STVRs in areas requiring sewer remediation. She

requested and received information on the smallest house size permitted on North Pender Island.

An overview was provided on the manner by which Salt Spring Island and Galiano Island are addressing STVRs. She requested and received information on the current situation on Pender Island.

Michael Sketch requested and received information regarding public participation at Islands Trust committee meetings that are held virtually.

6. COMMUNITY INFORMATION MEETING

6.1 NP-OTH-2019.2 (Shaw)

Chair Patrick provided an overview of the process for the public meeting.

Kiersten Enemark introduced herself and Cam Wyatt as representatives of Shaw. She provided an overview of the application, its rationale, and a list of the benefits to the community.

Kirsten Needlemark provided an overview of the considerations being taken to ensure that the project is in compliance with all relevant regulations. Chair Patrick invited the

community to view the display boards at 10:40 a.m. and recalled the meeting to order at 11:00 a.m.

Chair Patrick invited questions and comments from the public. The following comments were heard:

- Daurel Minion requested and received information on the benefit of increased bandwidth and how the provider will keep up with growth;
- Michael Sketch requested and received information on whether there may be future considerations in which higher energy density antennae would be installed to serve a specific area;
- A member of the public requested and received information on the location and the scope of the permission being granted;
- Dale Henning spoke in favour and requested that the Trustees consider the importance of internet improvements on the island; and
- A member of the public spoke in favour of fibre optic technology and noted the health concerns of population members who are sensitive to other forms.

Staff provided an overview of the process for this application moving forward and it was noted that a letter was submitted by the Southern Gulf Islands Economic Sustainability Commission related to a similar matter.

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated July 25, 2019

By general consent the Local Trust Committee Meeting Minutes of July 25, 2019 were adopted as presented.

8.2 Section 26 Resolutions-without-meeting Report

None

8.3 Advisory Planning Commission Minutes

None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated August 2019

Regional Planning Manager (RPM) Kojima provided an update on the Grimmer TUP application and the status of the reports in response to the directions of the LTC at the last meeting.

Trustee Morrison requested that a lease agreement or other similar documents between the applicant and the property owner be submitted when the application is returned.

10. DELEGATIONS

None

11. CORRESPONDENCE

None

12. APPLICATIONS AND REFERRALS

12.1 NP-DP-2018.11 (McCutcheon) - Staff Report

RPM Kojima reviewed the application and the related staff report.

The Trustees provided information to the public on the application and an overview of their visit to the site.

NP-2019-089

It was Moved and Seconded,

that the North Pender Island Local Trust Committee amend Development Permit NP-DP-2018.11 (McCutcheon) to delete "In the future thinning area" from item 2.A.

CARRIED

NP-2019-090

It was Moved and Seconded,

that the North Pender Island Local Trust Committee amend Development Permit NP-DP-2018.11 (McCutcheon), item 2.A to delete "the retroactive" and insert "require the planting of twenty-four seedlings of mixed species to replace and nurture to free-to-grow status the unpermitted removal of trees."

CARRIED

NP-2019-091

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2018.11 (McCutcheon) as amended.

CARRIED

12.2 NP-TUP-2019.1 (Vermeeren) - Staff Report

RPM Kojima provided an overview of the application and noted that the decision on this application had been previously deferred to request input from the Magic Lake Estates Water and Sewer Committee (MLWSC). He provided an overview of the response from the MLWSC.

Members of the LTC provided comments on the specific application and on STVR regulation in general.

Daurel Minion was invited by the Chair to speak. She addressed the application and requested that the applicant be required to install a fence and prohibit outdoor smoking.

NP-2019-092

It was Moved and Seconded,

that the North Pender Island Local Trust Committee amend application NP-TUP-2019.1 (Vermeeren) with the following:

- Under item 4 to remove the word “three” and replace it with the word “one”.
- Addition of item 3m to add “that an application for renewal include hydro and water meter readings for the term of the Temporary Use Permit.”
- Addition of item 3n to add “that the property owner be required to plant vegetative screening adjacent to the house and along the west lot line”
- Addition of item 3o to add “that water conservation signs be posted at every water source.”

CARRIED

NP-2019-093

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2019.1 (Vermeeren) as amended.

CARRIED

12.4 NP-TUP-2019.3 (Ganasi) - Staff Report

RPM Kojima provided an overview of the staff report.

NP-2019-094

It was Moved and Seconded, that the North Pender Island Local Trust Committee amend application NP-TUP-2019.3 (Ganasi) with the following:

- Under item 4, remove the word “three” and replace it with the word “one”.
- Addition of item 3m to add “that an application for renewal include hydro and water meter readings for the term of the Temporary Use Permit.”
- Addition of item 3n to add “that water conservation signs be posted at every water source.”

CARRIED

NP-2019-095

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2019.3 (Ganasi) as amended.

CARRIED

12.5 NP-RZ-2019.2 (Sketch) - Staff Report

RPM Kojima reviewed the application, the staff report, and the associated recommendation.

The Chair invited the applicant, Michael Sketch, to make comments.

Michael Sketch addressed the LTC and provided an overview of his rationale for the application. He also explained how the staff recommendations, if accepted by the LTC, would impact him.

The LTC provided comments on the application and on shipping containers in general. Staff clarified the regulations for construction of accessory buildings

NP-2019-096

It was Moved and Seconded,

that the North Pender Island Local Trust Committee deny application NP-RZ-2019.2 (Sketch).

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Waste Transfer - Staff Report

RPM Kojima provided an overview of the staff report and the associated recommendations.

The Trustees made remarks on the project, the staff report, the challenges hindering progress on the project, and the benefits of moving forward using the temporary use permit model.

NP-2019-097

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proceed no further with the Land Use Planning for Waste Transfer Project.

CARRIED

NP-2019-098

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that staff contact the owners of the former Gulf Excavating site, currently zoned industrial, requesting they contact the Local Trust Committee by October 31, 2019 stating their intentions for the use of the property and that the Local Trust Committee may consider initiating amendments to the current zoning.

CARRIED

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated August 2019

Discussions were held regarding the following points:

- Staff workload;
- Recommendations for potential projects (rain water catchment, tourism plan, house size minimums and maximums, industrial land review); and
- Item 5 on the Project List Report.

NP-2019-099

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to delete item 1, “Land use planning for Waste Transfer” and item 3 “Land owner education” from the Top Priorities list and add the projects “Official Community Plan Implementation”, and “Short Term Vacation Rentals review”.

CARRIED

14.1.2 Projects List Report Dated August 2019

Received for information.

14.2 Applications Report Dated August 2019

The LTC received updates on the status of the Pender Islands Parks and Recreation Commission application and the Henshaw application.

14.3 Trustee and Local Expense Report Dated July 2019

Received for information.

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage

No comments were made.

14.6 Islands Trust Conservancy Report

None

15. NEW BUSINESS

15.1 James Island - Staff Memo

RPM Kojima provided an overview of the memo.

NP-2019-100

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to arrange a site visit to James Island in consultation with the Senior Policy Advisor for First Nations Participation.

CARRIED

It was noted that Adam Olsen and David Howe should be invited to attend.

15.2 Trust Council Climate Change Reports - Staff Memo

Received for information.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for November 7, 2019, at the Community Hall, Pender Island

17. TOWN HALL

Michael Sketch spoke to James Island and provided a history of parks on James Island.

18. CLOSED MEETING (Distributed Under Separate Cover)

18.1 Motion to Close the Meeting

NP-2019-101

It was Moved and Seconded,

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

- Adoption of In Camera Meeting Minutes Dated July 25, 2019
- Bylaw Enforcement Litigation Issue

AND that the recorder and staff attend the meeting.

CARRIED

18.2 Recall to Order

Chair Patrick recalled the meeting to order at 2:11 p.m.

18.3 Rise and Report

Chair Patrick noted that there would not be a Rise and Report.

19. ADJOURNMENT

By general consent the meeting was adjourned at 2:11 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



Follow Up Action Report

North Pender Island

28-Feb-2019

Activity	Responsibility	Dates	Status
<p>1 10.3 NP-TUP-2018.5 (Grimmer) :</p> <p>1. Staff to create a Terms of Reference for a supplemental professional report addressing measures to mitigate impacts - DONE (letter to applicant)</p> <p>2. Staff to incorporate measures from supplemental professional report into a draft TUP.</p> <p>3. Staff to schedule a CIM once TUP is drafted</p>	<p>Phil Testemale</p> <p>William Shulba</p>	<p>Target: 30-Sep-2019</p>	<p>In Progress</p>

05-Sep-2019

Activity	Responsibility	Dates	Status
<p>1 8.1 Minutes of July 25th adopted as presented</p>	<p>Maple Hung</p>	<p>Target: 13-Sep-2019</p>	<p>Completed</p>
<p>2 12.1 NP-DP-2018.11 (McCutcheon) DP approved as amended for issuance</p>	<p>Phil Testemale</p> <p>Sharon Lloyd-deRosaric</p>	<p>Target: 13-Sep-2019</p>	<p>Completed</p>
<p>3 12.2 NP-TUP-2019.1 (Vermeeren) - Permit approved as amended for issuance</p>	<p>Sharon Lloyd-deRosaric</p>	<p>Target: 13-Sep-2019</p>	<p>Completed</p>
<p>4 12.3 NP-TUP-2019.2 (Hepburn) - application deferred to Nov 7th meeting agenda</p>	<p>Sharon Lloyd-deRosaric</p>	<p>Target: 13-Sep-2019</p>	<p>Completed</p>
<p>5 NP-TUP-2019.3 (Ganasi) - Permit approved as amended for issuance</p>	<p>Phil Testemale</p> <p>Sharon Lloyd-deRosaric</p>	<p>Target: 13-Sep-2019</p>	<p>Completed</p>



Follow Up Action Report

North Pender Island

05-Sep-2019

Activity	Responsibility	Dates	Status
6 12.5 NP-RZ-2019.2 (Sketch) - Done MH	Maple Hung	Target: 13-Sep-2019	Completed
7 13.1 Waste Transfer Project -- proceed no further with project, staff to contact owner of Industrial land to confirm intentions and to indicate that LTC may proceed with zoning amendment	Maple Hung Phil Testemale Robert Kojima	Target: 13-Sep-2019	Completed
8 14.1.1 - Top Priorities: remove waste transfer and landowner education, add OCP implementation and STVR review	Robert Kojima	Target: 13-Sep-2019	Completed
9 15.1 James Island: staff to arrange site visit. On hold on advice of Senior Intergovernmental PA	Phil Testemale	Target: 04-Oct-2019	Completed
10 18.3 Rise and Report: in-camera minutes adopted as presented	Maple Hung	Target: 13-Sep-2019	Completed

October 30, 2019

To: North Pender Island Local Trust Committee

Within the Southern Gulf Islands Electoral Area, the Community Economic Sustainability Commission (CESC) has given direction to pursue connectivity planning as a top priority for its work program. Improving broadband connection in SGI as a way to support sustainable economic development has been a long standing goal of the Electoral Area Director. We are undertaking community engagement to discover how greater connectivity can advance each island's common goals of sustainable economic development and community health and resilience. We are writing to keep you informed about this integrated connectivity planning process and invite you to participate in the conversation.

The region lags far behind the internet speeds identified by the Federal government as a minimum standard: broadband speeds of at least 50 Mbps download and 10 Mbps upload. The persisting digital divide between urban areas and the SGI affects quality and accessibility of healthcare and education, level of safety and security, access to government services, economic diversification and more. Improved connectivity will strengthen this region's potential, diversity, and sustainability. Not only are improvements to our internet service levels crucial for the realization of our economic development goals, improved connectivity will support us in working together to reduce our carbon footprint – from alternative transportation to tele-health and distance education.

Provincial and Federal granting agencies that support infrastructure investment, including last mile connectivity, are now requesting community connectivity plans to support applications. Connectivity planning ensures infrastructure investments are coordinated, scalable, provide value for money, and achieve priority objectives for the region. Our approach is to develop a community based connectivity plan that can guide Internet Service Providers in their investment decisions.

The CRD is currently undertaking Phase 1 of this program: we are working with Network BC and the Ministry of Citizen Services Connected Communities program to develop a "Digital Roadmap," for the SGI. The Digital Roadmap is a framework tool and presents a strategic approach to address the needs, benefits and trade-offs of greater connectivity. We will engage different sectors in each island community on the potential for increased connectivity to support the social, economic, and sustainability goals of the Southern Gulf Islands. By focusing on how better connectivity can help the SGI meet its needs and objectives, we will offer a new way to approach community conversations about the impacts and benefits of increased broadband, cell service, and wifi.

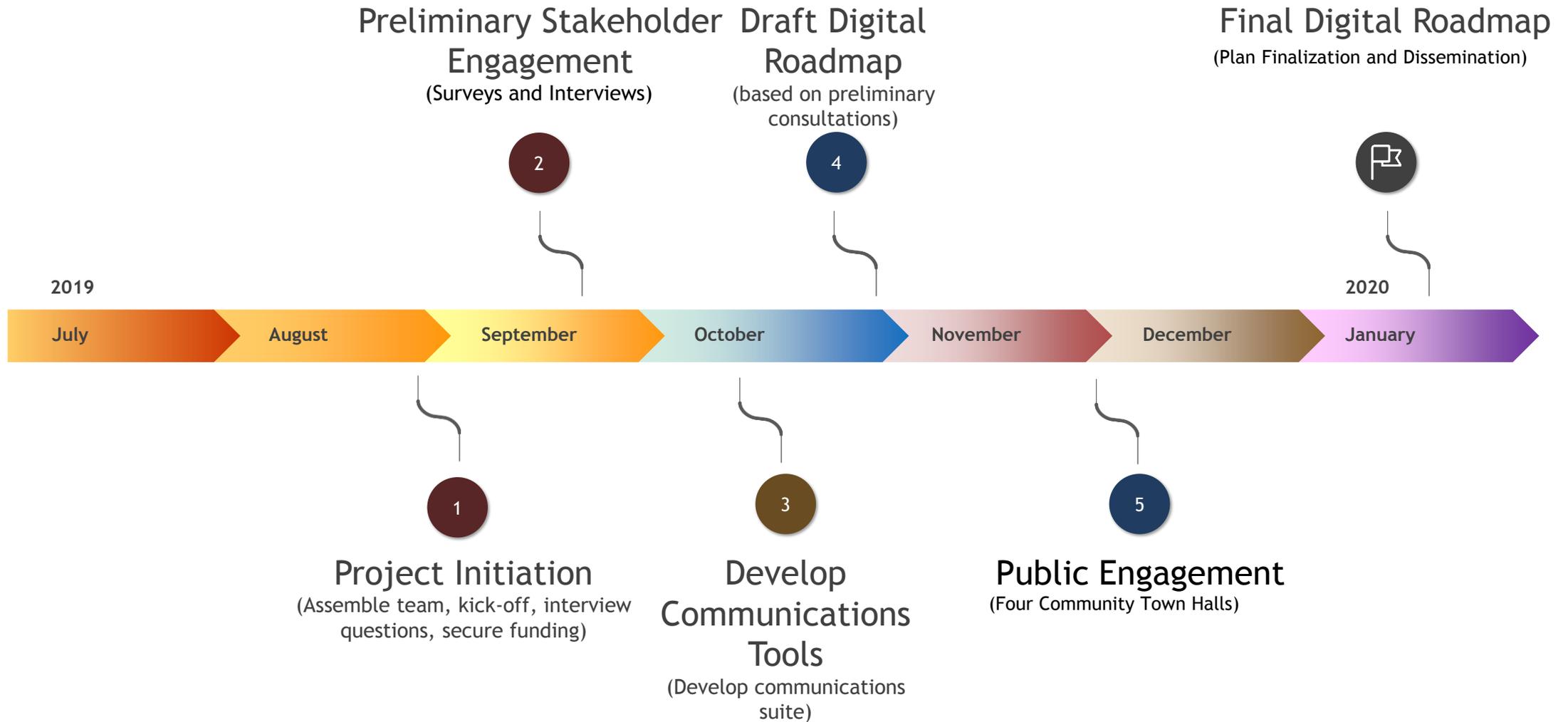
Phase 2 of the project will engage qualified professionals to develop a "Southern Gulf Islands Connectivity Design Strategy." It will consider how the community goals identified in phase 1 can be advanced through infrastructure design. It will take into account existing service hubs and will present the region with options for infrastructure and technology to advance our communities' own connectivity goals, as identified in Phase 1.

We look forward to any comments or feedback the LTC may have on this work program and will be pleased to keep the LTC informed about community meetings and other opportunities for engagement.

Sincerely,

Deborah Goldman,
Chair, Southern Gulf Islands Economic Sustainability Commission

Connectivity Planning in the Southern Gulf Islands: The Timeline



Phase I: Develop and Finalize the Digital Roadmap

Connectivity and the Islands Trust

Islands Trust Council has formally requested that the appropriate agencies of Canada and the Province “take steps to facilitate and fund the safe and reliable improvement of internet connectivity throughout the Trust Area.” In particular, Trust Council encouraged “the provision of additional landing sites to service islands in the Trust Area that may request such service through the Connected Coast project”

(See http://www.islandstrust.bc.ca/media/347928/tc_2019-06_18-19-20_decisionhighlights_final.pdf).

Within the Southern Gulf Islands, each Local Trust Area has an Official Community Plan that addresses the issue of connectivity in slightly different ways and which guide the approach to connectivity planning for the region. This project will directly support the LTCs' objectives through the development of a community-based Southern Gulf Islands Connectivity Design Strategy.

Excerpts of each Local Trust Area's OCPs are attached. Sections of the OCPs that support the development of connectivity infrastructure include:

Saturna Island OCPBL 70: (Section F.6.6) and South Pender OCP BL 107 (Section 6.2.2): “providers of internet and other electronic communication services should be encouraged to expand and improve the delivery of services to, and the development of infrastructure for, the local community”

South Pender OCP BL 107: “advancements in electronic communication...[allow for] increased opportunities to engage in economic activities from residences [and enhance] the island residents' economic capacity” (Section 3.1.2).

Galiano Island OCP BL 108: “in order to enhance the social, economic, educational, environmental, and cultural aspects of life on the island...the LTC will support efforts to expand electronic communications and infrastructure within the community provided it can be demonstrated that there are no harmful health or environmental effects” (Section 4.1.1.g).

North Pender Island OCP BL 171: “The North Pender Island LTC should support and encourage efforts to expand or improve the electronic communications on the island in order to reduce the need to travel” (Section 2.3.6).

Mayne Island OCP BL 144: the Mayne Island LTC “should support and encourage efforts to expand or improve the digital infrastructure on the island in order to reduce the need to travel” (Section 2.6.1.10).



Islands Trust

**SOUTH PENDER ISLAND
OFFICIAL COMMUNITY PLAN
BYLAW NO. 107, 2011**

AS AMENDED BY SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW(S) NO. 113 and 115

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Certified copies of the Official Community Plan are available from the Islands Trust Office, Suite 200 – 1627 Fort Street, Victoria BC V8R 1H8

ii) Other allowed uses on Rural Residential designated lands are to be compatible, both in type and scale, with small lot rural residential living. Land use regulatory bylaws are to make provision for the following uses customarily associated with small lot rural living: short-term rental of a single family dwelling; home occupations; horticulture, including small-scale greenhouse and nursery uses; the keeping of poultry for domestic use; and the sale of produce originating on the lot, including the use of small roadside stands.

iii) The Local Trust Committee may consider implementing regulations that would permit outbuildings as a permitted principal use prior to construction of a residential dwelling on Rural Residential designated lands.

iv) Single family residential use is to be permitted on lots within the Agricultural (A), Forest (F), and Natural Resource (NR) Land Use Designations as a principal use.

3.1.2 (b) Number of Dwellings

i) One single family dwelling only is to be allowed on RR designated lots less than 0.8 hectares (2.0 acres) in area.

ii) One single family dwelling and one cottage are to be allowed on RR designated lots 0.8 hectares (2.0 acres) and larger in area.

iii) Two single family dwellings and two cottages are to be allowed on RR designated lots 4.0 hectares (9.88 acres) and larger in area.

iv) Additional single family dwellings and/or additional cottages on RR designated lots as an alternative to subdivision are to be subject to rezoning.

3.1.2 (c) Lot Area Requirements for Subdivision of Land

Land use regulations applicable for RR lands shall be developed with zoning classes to permit, except where otherwise stated, the minimum lot area requirements for subdivision to be:

- 0.4 hectares (1.0 acre) for lots in the RR1 zone
- 0.8 hectare (2.0 acres) for lots in the RR2 zone
- 4.0 hectare (9.9 acres) for lots in the RR3 zone

3.1.2 (d) Housing Policies for Affordable Housing, Rental Housing, and Special Needs Housing

Provision is to be made for affordable housing, rental housing, and special needs housing land uses and developments when justified by demand from the community.

3.1.2 (e) Residential-based Economic Activities

Background

Advancements in electronic communication and the use of home computers are allowing increased opportunities to engage in economic activities from residences, thereby enhancing island residents' economic capacity. Home occupations are economic enterprises operated on the premises by residents. On South Pender Island they include such activities as home offices, bed and breakfast accommodation, artist studios, and craftsperson workshops. Short-term rentals of dwellings provide economic return, offer the visitor an opportunity to experience rural island living, and are an alternative form of accommodation to bed and breakfast or commercial resorts.

3.1.2 (e)(i) Home Occupations

- Home occupations are to be allowed as an accessory use on every lot where there is residential use of a single family dwelling.
- Land use regulations applicable to home occupations are to be developed with the perspective of land use compatibility, as contained in the General Policies of this OCP. Their primary purpose is to minimize adverse effects on both the adjacent lots and the subject lot. Measures to be addressed are to include: types of home occupation; where, to what extent, and under what conditions these activities are to be conducted; the number of employees permitted; residential requirements; exterior storage of materials and necessary screening; and provisions for off-street parking.
- Lots having more than one cottage are limited to using not more than one cottage for short-term rental at any one time.

3.1.2 (e)(ii) Short-term Rental of Single Family Dwellings

- On lots where a single family dwelling is allowed as a principal use, short-term rental of those dwellings may be allowed, subject to regulation. A single family dwelling is not to be used for short-term rental during the time when a cottage is being used for this purpose. Lots having more than one single family dwelling are to be limited to using not more than one for short-term rental at any one time.
- Land use regulations applicable to short-term single family dwelling rentals are to be developed with the perspective of land use compatibility, as contained in the General Policies of this OCP. Their primary purpose is to minimize adverse effects on adjacent lots and on the community in general.

3.2 Commercial Land Use and Development

Background

Commercial development on South Pender Island presently consists of the visitor accommodation facilities and associated retail and service facilities of the resort and marina development at Bedwell Harbour. The commercial retail and service development of North Pender Island is readily accessible to the South Pender Island community.

Poets Cove Resort at Bedwell Harbour is a destination resort for both land and marine based visitors with visitor accommodation facilities. Existing commercial retail and service facilities on the island are the small store, pub, licensed retail liquor store and the restaurant operating as an accessory use to the resort at Bedwell Harbour. Historically the majority of commercial needs for South Pender Island residents have been met on North Pender Island or regionally, and this pattern is expected to continue into the future.

Lands for commercial development are designated Commercial (C) in Schedule "B".

3.2.1 Commercial Objectives

- a) To ensure all future on-island commercial land use and development occurs in response to the needs of the community, is compatible with its immediate surroundings, and is in keeping with the island's rural character.

regarding aircraft noise and flight routes within and over the South Pender Island Local Trust Area.

ii) Land based aircraft facilities are to be limited to those necessary for emergency helicopter evacuations.

iii) Floatplane facilities only allowed in foreshore and marine water areas designated Marine Commercial on Schedule "B".

6.2 Communication and Utilities Services

Background

Private sector companies provide telephone and electronic communication services to the island via fixed link or electronic transmission. Electrical power is provided by BC Hydro, a provincial Crown corporation. Both federal and provincial regulatory agencies are involved in the provision of these services. The advent of increased telecommunication services and electronic forms of communication is gradually making it more feasible for people to live on-island and work from home.

6.2.1 Communications and Utilities Objectives

- a) To ensure communication and utilities services land use and development on South Pender Island is primarily for the needs of its community.
- b) To support cooperation with and between the communication and utilities service providers serving the needs of the community, as a means of efficiently providing services.

6.2.2 Communication and Utilities Policies

- a) Communication and utilities land use and development whose primary purposes are for meeting the needs of the community are to be recognized and provided for in the regulatory bylaws implementing this OCP. No such provision is to be given for those whose primary purpose does not serve the community's needs.
- b) Locations for additional communication and utilities service development, excluding electrical, telephone, and cablevision distribution lines, are only to be considered on a site-specific basis upon application and consultation with the community.

Advocacy Policies

- c) Providers of communication and utilities services involving overhead or underground transmission wires, cables, or piping are encouraged to use existing public rights-of-ways and common corridor routings wherever practical.
- d) Providers of internet and other electronic communications services are encouraged to expand and improve the delivery of services to, and the development of infrastructure for, the community.
- e) Industry Canada and its agents are requested to ensure adequate community consultation occurs prior to approval of new communications towers.

6.3 Water Supply Services

Background

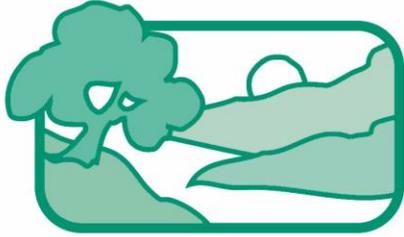
Freshwater supplies on South Pender Island are obtained almost exclusively from groundwater sources, primarily from aquifers located in fractured bedrock. An exception is the water taken under licence from Greenburn Lake.

6.3.1 Water Supply Objectives

- a) To maintain self-sufficiency as a fundamental principle of the island's freshwater supply servicing.
- b) To protect adequate freshwater supplies for current and future land use and development.
- c) To encourage conservation of freshwater supplies.
- d) To ensure adequate supplies of water are available for fire protection purposes.

6.3.2 Water Supply Policies

- a) The supply of freshwater for South Pender Island is only to be from on-island sources, except for direct deliveries by tanker truck in circumstances where the regular source of freshwater becomes temporarily inadequate. Facility use and development for off-island sourced bulk water supplies is to be prohibited by zoning regulations.
- b) The Local Trust Committee is to help protect supplies of freshwater for current and future land use and development by taking into consideration the possible effects of increased freshwater supply services and use associated with major new developments.
- c) Conservation of freshwater supplies is to be encouraged; supportive measures may include but are not limited to:
 - i) the use of drought tolerant plants for landscaping purposes.
 - ii) information programs to increase awareness of:
 - water conservation practices;
 - new technologies for water purification; and
 - potential impacts from the practice of well hydrofracturing.
 - iii) installation of water saving plumbing fixtures and appliances;
 - iii) collection, storage, and use of rainwater as an alternative to groundwater by means of:
 - ponds to increase freshwater supplies available for non-domestic uses such as irrigation, lawn and garden watering, and fire suppression; and
 - cisterns for domestic use where the collected rainwater supply is kept and treated in a manner conforming to standards meeting the requirements of the Medical Health Officer, Vancouver Island Health Authority.
- d) The Local Trust Committee will permit and promote rainwater catchment systems for fire protection, irrigation, and as an alternate source of potable water for domestic use.
- e) The Local Trust Committee may consider implementing regulatory provisions to address groundwater protection, such as:
 - i) requiring rainwater catchment systems for new construction;
 - ii) limiting the extent of impermeable surfaces on a lot;



Islands Trust

**GALIANO ISLAND
LOCAL TRUST COMMITTEE**

**OFFICIAL COMMUNITY PLAN
BYLAW NO. 108, 1995**

AS AMENDED BY GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAWS NO: 124, 138, 141, 169, 171, 179, 203, 204, 206, 207, 214,
215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 235, 242,
244, 246, 248, 252, 253, 254, 259 AND 233

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document

Certified copies of the Official Community Plan are available from the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B. C. V8R 1H8

Consolidated: August 16, 2017

- BL215 n) Landowners are encouraged to protect the natural systems, biological sustainability, ecological services, and natural aesthetics of forest lands.
- BL215 o) Landowners are encouraged to protect riparian areas, marine shoreline areas, sensitive ecosystems, endangered habitat, soils, watersheds, biodiversity, old or large individual trees, and old growth stands.
- BL215 p) Landowners are encouraged to protect culturally modified trees and other heritage features.
- BL215 q) The LTC should advocate the mitigation of climate change through :
- i) encouraging the provincial government to provide tax incentives and reforestation programs;
 - ii) local education programs; and
 - iii) encouraging well-coordinated management practices to maintain the health of the forest, to promote carbon sequestration in the forest and soil, and to reduce the risk of stand-destroying wildfires.
- BL215 r) The Local Trust Committee encourages local economic opportunities for small-scale sustainable forestry through supporting:
- i) the establishment of a non-profit community-owned forest that is consistent with ecosystem-based sustainable forest practices, and the lands so acquired are preserved for forestry use in perpetuity for future generations;
 - ii) the development of co-operative ecosystem-based sustainable forest management and value-added ventures;
 - iii) initiatives to provide tax incentives for maintaining ecosystem-based sustainable forest management activities;
 - iv) appropriate small scale forest related activities such as the sustainable gathering of non-timber forest products, food crops, hiking, bird watching and wildlife viewing, education and value added industry.

4. Community Facilities and Utilities

4.1 Community Facilities

BL215 Galiano's community facilities for social and cultural services currently include a recycling centre, fire halls, ambulance station, a health care centre, a church, a school, a cemetery, community halls.

Community Facilities Objective

The objective of this subsection is:

- BL215 1) to promote the establishment of community facilities that enhance the social, economic, educational, environmental and cultural aspects of life on the island and in a manner that minimizes impacts on the natural environment.

Community Facilities Policies

- BL215 a) The principal use shall be community facilities.
- BL215 b) Community facility zones shall be developed for such uses as community orchards, nurseries, gardens and woodlots, farmers markets, arts facilities recycling centre, ambulance station, R.C.M.P. facilities, emergency evacuation services and fire halls.
- BL215 c) Zoning for a community facility shall be considered on a site specific basis.
- BL215 d) As a plan for a local trust area designated under the *Islands Trust Act* and placing priority on the preservation and protection of unique amenities and environment of the area, rezoning for new community facility uses should not be considered in advance of demonstrated need.

Community Facilities Advocacy Policies

- BL215 e) The delivery of services by local non-profit organizations shall be encouraged.
- f) Opportunities for creation and ownership of community facilities through vehicles such as a Community Land Trust, shall be encouraged.
- BL 207; 215 g) The Local Trust Committee will support efforts to expand electronic communications and infrastructure within the community provided it can be demonstrated that there are no harmful health or environmental effects.
- BL215 h) Green building techniques are encouraged in new construction.
- BL215 i) Green burials in cemeteries are encouraged.

4.2 Utilities

Utilities Objective

The objective of this subsection is:

- BL215 1) to ensure the delivery of utility services compatible with rural character in a way that minimizes impacts on the natural environment.

Utilities Policies

- BL215 a) Community or public utilities other than transmission lines and telephone or electricity services on an easement or registered right of way, shall be zoned on a site specific basis.



NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW No. 171, 2007

AS AMENDED BY NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW(S) NO. 182, 184, 197, 203, 207, 209, 211 and 216

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Certified copies of the Official Community Plan are available from the
Islands Trust Office, Suite 200 – 1627 Fort Street, Victoria BC V8R 1H8

Consolidated: December 10, 2018

2.3 COMMUNITY SERVICE LAND USES

Background

North Pender is well served by facilities for health care, education, public protection, and community and social services. Most facilities are provided through the voluntary initiatives of members of the community. Residents value maintaining a diverse community able to accommodate people of varying ages, income and abilities. In order to achieve this, the community may need to explore options for ensuring housing for working people, young families, seniors and those who have special needs. Currently, seniors housing is provided at Plumtree Court, which is owned and operated by the non-profit Pender Islands Seniors Housing Society.



Photo: Islands Trust

Community Service Objectives

- 2) To ensure that North Pender Island is a healthy community with residents working together to improve the quality of life.
- 3) To facilitate community services that meet the social and physical needs of the community.
- 4) To support community facilities through efforts of community members.
- 5) To ensure that all community service facilities are accessible to all members of the community.

ADOPTED

- 6) To permit a range of housing options without detracting from the rural character of North Pender Island.

Community Service Policies

- 2.3.1 Preference shall be given to applications involving community service facilities that will be located close to the school and medical centre, the library, the Driftwood Centre and the fire stations.
- 2.3.2 Regulations shall require that adequate parking facilities be provided in any expansion of existing public facilities or in the development of new facilities.
- 2.3.3 Land acquired or dedicated for public service use may be zoned for public service use within any land use designation except the Agricultural designation or zone.

Community Service Advocacy Policies

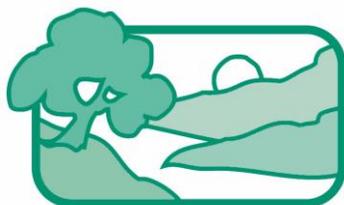
- 2.3.4 Development of recreational and cultural facilities to serve the needs of all groups within the island community, including people with special needs, is encouraged.
- 2.3.5 Public service facilities shall be for the Pender Islands only.
- 2.3.6 The North Pender Island Local Trust Committee should support and encourage efforts to expand or improve the electronic communications on the island in order to reduce the need to travel.

BL 182

Seniors Housing Policies



Photo: Islands Trust



Islands Trust

SATURNA ISLAND LOCAL TRUST COMMITTEE

OFFICIAL COMMUNITY PLAN

AS AMENDED BY SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAWS: 101, 109 and 117

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Certified copies of the Official Community Plan are available from the Islands Trust Office,
200 - 1627 Fort Street, Victoria, B.C. V8R 1H8

Consolidated April 26, 2018

F.4 AIR TRANSPORTATION

The objective of this section is to provide a balance between the need for air transportation and the quiet enjoyment of the island.

Air Transportation Advocacy Policies

- F.4.1** The Saturna Island Local Trust Committee shall support maintenance of the emergency landing facilities, including helicopter landing pads, at Winter Cove and East Point; and location of terminal facilities for regularly scheduled flights in conjunction with the public wharf.
- F.4.2** The Saturna Island Local Trust Committee should continue to make representations, as required, to Transport Canada regarding aircraft noise and routing that affect the Area.

F.5 WATER SUPPLY

The objective of this section is to ensure safe potable water supply for the residents and visitors of Saturna Island.

- F.5.1** The availability of potable water sufficient to support the proposed use while meeting environmental objectives should be a condition of subdivision approval.
- BL 101 **F.5.2** The Saturna Island Local Trust Committee in reviewing all development requirements, referrals, and approvals should consider or require developers provide a guarantee of the availability and sustainability of freshwater resources and will support the use of sources other than ground water including conservation, the collection and storage of rain water.
- F.5.3** The use of new technologies for water conservation, purification, desalinization, and efficient use of water may be permitted provided all by-products can be disposed of in a safe and environmentally acceptable manner.
- F.5.4** The Saturna Island Local Trust Committee will permit and promote rainwater cisterns and ponds for fire protection, irrigation, and to supplement or as an alternate source of potable water for households.
- F.5.5** The Saturna Island Local Trust Committee should create and maintain a data base of water well information through the subdivision referral process to supplement the information contained in the Groundwater report by Diane Allan 1998.
- F.5.6** Community water systems, the collection and storage of water, shared wells, and new technologies are to be encouraged and required as a condition of subdivision approval where groundwater sources are insufficient or endangered.

Water Supply Advocacy Policies

- F.5.7** The Ministry of Environment, Lands and Parks is requested to create a groundwater well registration system, including water quality and quantity information and site locations with a global positioning system.

F.5.8 Where a groundwater well produces a high salt content, it should be grouted to protect against the intrusion of salt into the fresh water table. Development approval by the Medical Health Officer should be refused when a proposed lot contains an ungrouted high salt-content well unless an impermeable lining in the water well is installed to protect the freshwater table.

F.5.9 The Saturna Island Local Trust Committee will request:

- a) the Ministry of Environment and Lands and Parks to undertake a full investigation of water sources, quality, use, and hydrogeology as the basis for a wetlands, water table recharge, and groundwater strategic plan to assist in future land use decisions;
- b) the Ministry of Environment, Lands and Parks to develop groundwater management legislation, including a groundwater licensing program that would protect existing wells from depletion;
- c) the Capital Health Region to permit the development and use of on-island sewage treatment methods that create re-circulated grey water for garden or other non-potable use and to require more water-efficient plumbing fixtures in its building bylaw; and
- d) the Capital Health Region to monitor the water quality of community water systems.

F.6 UTILITIES

The objective of this section is to provide services in a way that is sensitive to community needs.

F.6.1 The Saturna Island Local Trust Committee shall specifically zone public utilities, not located on public rights-of-way, in separate public service use zones and permit only the particular public service use that is required.

Utilities Advocacy Policies

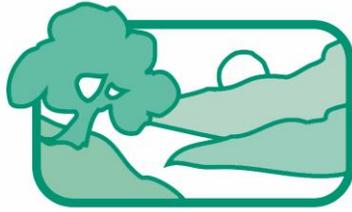
F.6.2 Infrastructure construction and maintenance should conform to the guidelines contained in publications of the federal Department of Fisheries and Oceans, and the Ministry of Environment, Lands and Parks.

BL 101 **F.6.3** The Saturna Island Local Trust Committee encourages the use of renewable energy sources and non-polluting alternate methods of power generation. The Local Trust Committee may consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating.

F.6.4 The Saturna Island Local Trust Committee shall support classification of Saturna Island as a single rate area with respect to telephonic, electromagnetic, and light-based information infrastructure or similar transmission systems.

F.6.5 The Saturna Island Local Trust Committee encourages the maintenance of an on-island facility for automotive and marine fuel supply.

BL 101 **F.6.6** Providers of internet and other electronic communications services should be encouraged to expand and improve the delivery of services to, and the development of infrastructure for, the local community.



Islands Trust

MAYNE ISLAND LOCAL TRUST COMMITTEE

OFFICIAL COMMUNITY PLAN

Bylaw No. 144, 2007

AS AMENDED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAWS: 147, 149, 150, 151, 152, 155, 159, 161,165,168 and 171

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Certified copies of the Official Community Plans are available from the Islands Trust Office, 200 - 1627 Fort St., Victoria, B.C. V8R 1H8

Consolidated: December 20, 2018

- 2.5.1.5 All goods, materials and equipment associated with or produced by an industrial operation must be stored in a manner that does not cause environmental damage.
- 2.5.1.6 The map does not identify sand and gravel deposits because they are small and dispersed around the island, processing shall be under a temporary use permit.
- 2.5.1.7 In reviewing any application for new industrial uses, or increased density in industrial zones, the LTC should consider potential climate change impacts.

2.6 PUBLIC USE AND PUBLIC SERVICES

2.6.1 Public Use, Services and Utilities

Background

These objectives and policies address the community's current and future needs for public services, public use facilities and utilities.

Objectives

The objectives of this section are:

- 1) to provide public services on a scale appropriate for the island,
- 2) to protect the health and safety of residents and visitors, and
- 3) to ensure that services and utilities are of a scale and cost appropriate for the island.

Policies

- 2.6.1.1 Multiple uses of public facilities and services shall be encouraged.
- 2.6.1.2 Off street parking, signage and lighting shall be regulated in keeping with the rural character of the island.
- 2.6.1.3 Locations for service depots such as Telus or B.C. Hydro shall be considered upon application for rezoning.
- 2.6.1.4 All goods, materials and equipment associated with a public use, service or utility must be stored in a manner that does not cause any environmental damage and be adequately screened from roads and neighbours.

Advocacy Policies

BL 151	2.6.1.5	The recycling depot shall be encouraged to consider expansion of recycling, composting and chipping services, while maintaining the highest environmental health standards and shall ensure that the storage of recyclable material be designed with special regard for the protection of groundwater.
	2.6.1.6	All public use facilities and services must meet the strictest interpretation of all health and environment standards.
	2.6.1.7	B.C. Hydro is encouraged to conduct an appropriate level of tree trimming to minimize downed power lines.
	2.6.1.8	The community is encouraged to implement Fire-smart practices in order to minimize the impact that a wildfire can have on the island.
BL 147	2.6.1.9	The Mayne Island Local Trust Committee recognizes the value of community policing and supports community policing initiatives by the RCMP.
BL 151	2.6.1.10	The Mayne Island Local Trust Committee should support and encourage efforts to expand or improve the digital infrastructure on the island in order to reduce the need to travel.

2.7 PARKS AND RECREATION

There are a number of parks of varying uses on Mayne Island most under the jurisdiction of the Capital Regional District through a local Parks Commission. There is a Regional Park, Mount Parke, situated in the centre of the island. There are areas of the Mayne Island Trust area that have recently become part of the Gulf Island National Park Reserve.

2.7.1 Regional Parks

Background

Mount Parke, a Regional Park is situated inland on the south western portion of the Island and includes approximately 40 hectares (100 acres) of land. A management plan for this park has been completed by the CRD Parks.

Objectives

The objectives of this section are:

- 1) to support education, aesthetics, recreation and spiritual values of the park system, and
- 2) to protect the natural system from degradation by public use of land.



200 – 1627 Fort Street, Victoria BC V8R 1H8
Telephone: **250-405-5151** Fax: 250-405-5155
Toll-Free via Enquiry BC in Vancouver: 660-2421
Elsewhere in BC: **1-800-663-7867**
Email: information@islandstrust.bc.ca Website: www.islandstrust.bc.ca

September 26, 2019

File Number: LTC 6500-20 Waste Management

Mr. and Mrs. J Allen
[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr. and Mrs. J Allen:

Re: 3418 South Otter Bay Road

I am contacting you on behalf of the North Pender Island Local Trust Committee (LTC) with regard to your property noted above, particularly the **Industrial 2(b) - I2 (b)** zoned portion of the property (see attached map).

The LTC requests that you respond in writing by October 31 stating your intentions for the future use of the property. Further, they are informing you that the LTC may consider initiating amendments to the current zoning.

In the meantime, if you have any questions on this matter, please do not hesitate to contact myself or Robert Kojima, Regional Planning Manager.

Yours truly,

Phil Testemale
Planner 2
Southern Team
ptestemale@islandstrust.bc.ca
250. 405-5170

pc: North Pender Island Local Trust Committee
R. Kojima, Regional Planning Manager

Attachment: Zoning Map

z:\12 long range planning\09 np\6500 ltc work program\20 projects (p)\2015 land use planning for waste transfer\correspondence\correspondence to j allen 2019-09-26\letter to j allen 2019-09-26.docx

LEGEND - Base Maps

-  Property Boundary
-  Roads
-  Water Courses
-  Lakes
-  Zoning Boundary
- Zoning Class
 -  Not Zoned
 -  Commercial/Industrial
 -  Community
 -  Residential
 -  Resource
 -  Water
- Contours
 -  Index Contour
 -  Intermediate Contour

LEGEND - Operational Layers

-  Zoning
-  First Nations Reserves

October 7, 2019



Mr. Phil Testemale

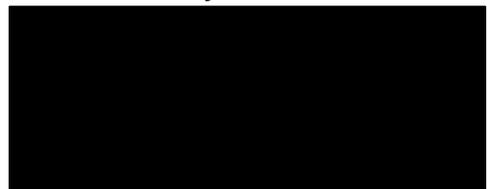
Islands Trust. File LTC 6500-20 Waste Management
Response to September 26, 2019 letter.

We have had several enquiries into renting the industrial zoned portion of the property during the yearlong remediation process.

We are waiting for updated information for a use that we feel might be well suited to the property as well as being environmentally responsible and of value to the community.

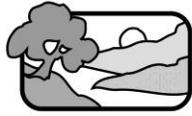
We are not currently interested in changing the existing zoning.

Yours truly,



Jim Allan and Linda Wein,

p.o.a. for June Allan



File No.: NP-TUP-2019.2 (Hepburn)
(x-ref NP-TUP-2018.2)

DATE OF MEETING: November 7, 2019
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Report subject: Renewal of Temporary Use Permit for Short Term Vacation Rental
Applicant: Leslie Hepburn and Ray Heffelfinger
Location: 1602 Schooner Way, North Pender Island

RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee (LTC) approve issuance of renewal Temporary Use Permit NP-TUP-2019.2 (Hepburn) for three (3) years.**

REPORT SUMMARY

The purpose of this report is to consider a TUP renewal for a Short Term Vacation Rental (STVR) within a dwelling unit at 1602 Schooner Way.

The above recommendation for the renewal of the TUP is supported as: the application has been referred to the CRD Magic Lake Sewer and Water Committee and a response was received; the applicants have demonstrated that they have adhered to the conditions identified in the original permit and there has been no record of complaint or bylaw infringement issues over the term of the original permit; and, the proposed permit provides conditions to ensure the use does not have adverse effects on neighbours and, in the event it does, there is the recourse of enforcement.

BACKGROUND

The renewal application was initially considered previously by the LTC on April 25, 2019.

The staff report is available on the Islands Trust on the North Pender LTA website here:

http://www.islandstrust.bc.ca/media/347508/np-ltc_2019-04-25_agd_pkg_final.pdf

The detailed staff report from the original application in 2018 including background, analysis and attached maps can be found in the agenda package for the May 24, 2018 North Pender Island Local Trust Committee (LTC) meeting:

http://www.islandstrust.bc.ca/media/345740/agenda-package-north-pender-ltc-regular_may24_2018.pdf

Specific File Activity:

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

- At its April 25, 2019 Regular Meeting, the LTC passed the following resolution:

NP-2019-038

It was Moved and Seconded,

That the North Pender Island Local Trust Committee table NP-TUP-2019.2(Hepburn) be deferred pending further information from the Magic Lake Water and Sewer Committee regarding system repair.

CARRIED

- At its May 30, 2019 Regular Meeting, the LTC passed the following resolution:

NP-2019-061

It was Moved and Seconded,

that the North Pender Local Trust Community refer Short Term Vacation Rental Temporary Use Permits in the Magic Lake sewer catchment to the Magic Lake Sewer and Water Committee to confirm infrastructure capacity.

CARRIED

- Staff referred the application to the CRD Magic Lake Sewer and Water Committee to confirm infrastructure capacity on June 11, 2019.
- Staff received a referral response from M. Cowley on behalf of the Magic Lake Water and Sewer Committee (July 16, 2019 – Attachment 4). That stated:

“...as long as additional wastewater flows are not generated over and above what can be reasonably expected from a rural residential property, then the system should not see any increased demand. Therefore, should Islands Trust choose to approve the TUP’s, it should be on condition that wastewater discharges shall not exceed what can be reasonably expected from an existing rural residential property use.”

Staff notes that the ability for the Islands Trust to monitor and enforce any condition for wastewater discharge is not practical. Based on the size of the dwelling and the maximum number of guests and the provision of water conservation information, staff estimates that the use is unlikely to exceed that from a permanently occupied rural residential property.

- At the regular meeting on July 25, 2019, the North Pender Island Local Trust Committee (LTC) directed staff to contact three current TUP applicants requesting that they comply with the TUP guidelines *immediately* with specific attention to the requirement for providing on-island contacts to neighbours and providing water conservation information to guests.
- The applicant was sent an e-mail on July 26, 2019 requesting the previous be confirmed by a minimum of two weeks prior to the September 5, 2019 meeting date.

- The applicant has responded to the above request with the following information in e-mail communication:

Concerning the house guests, I contact them prior to their arrival and I go over the house rules regarding noise bylaws, parking, storage and disposal of garbage, recycling, and compost, fire safety, septic care, and water conservation.

In regards to water conservation, I stress the following points:

- 1. Avoid the dishwasher whenever possible and hand wash instead;*
- 2. If dishwasher must be used, never run it unless fully loaded;*
- 3. Showers must be short and not daily;*
- 4. When shaving or brushing teeth, water must be off;*
- 5. Flushing the toilet should be only after several times of use or unless absolutely necessary; and*
- 6. Nothing is to be flushed down the toilet except for toilet paper.*

In addition to these house rules, I have installed water saving shower heads and a high efficiency washing machine which uses 40% less water.

I also regularly check for toilet leaks.

I rinse fruit and vegetables in a bowl of water rather than using running water and I thaw frozen it stand overnight in the fridge rather than leaving it in a sink full of water.

The rules concerning water conservation are posted on the fridge as a reminder.

Letters informing our neighbours (within the required 200 meter radius) of TUP were sent out last year.

- The applicant requested that the application be deferred from the September 5, 2019 LTC Regular Meeting Agenda to the current one in order to resolve an issue among owners.
- The applicant submitted a copy of the information package provided to all renters as requested by the LTC (Attachment 5).

Statutory Requirement - Notification

There is no requirement for notification with a renewal permit.

Rationale for Recommendation

The recommendation for the issuance of the TUP on page one is supported as:

- The referral to the CRD Magic Lake Water and Sewer has been completed.
- The application is a renewal and the applicants have adhered to the conditions of the original permit
- There has been no record of complaint or bylaw violations since the original permit was issued.
- Lastly, the proposed permit provides conditions to ensure the use does not have adverse effects on neighbours and, in the event it does, there is the recourse of enforcement or non-renewal.

ALTERNATIVES

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Amend the TUP and Approve Issuance as Amended

The LTC may opt to amend the proposed permit by adding further restrictions (conditions, including shortening the time frame).

Recommended wording for the resolutions are as follows:

That the North Pender Island Local Trust Committee amend renewal Temporary Use Permit NP-TUP-2019.2 (Hepburn) by adding_____.

That the North Pender Island Local Trust Committee issue renewal Temporary Use Permit NP-TUP-2019.2 (Hepburn) as amended.

3. Deny the application

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-TUP-2019.2 Hepburn).

Submitted By:	Phil Testemale Planner 2	October 22, 2019
Concurrence:	Robert Kojima, RPM	October 23, 2019

ATTACHMENTS

- 1. Proposed renewal NP-TUP-2019.2 (Hepburn)
- 2. Referral response from M. Cowley CRD Water and Sewer (July 16, 2019)
- 3. TUP Map
- 4. Information for renters



Islands Trust

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT NP-TUP-2019.2 (Hepburn)
RENEWAL OF NP-TUP-2018.2 (Hepburn)**

1602 Schooner Way

To: Leslie Hepburn and Ray Heffelfinger

1. This Permit applies to the land described below:

Lot 31, Section 9, Pender Island, Cowichan District, Plan 22335
(PID: 000-785-733).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

a) a Short Term Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) either the property owner or other on-island contact must be available on North Pender Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and/or the on island contact person must be provided to guests upon arrival;
- b) the property owner or Short Term Vacation Rental operator must provide neighbours within a 200 metre radius of the vacation rental with the contact person's phone number, and a copy of the temporary use permit;
- c) the property owner or Short Term Vacation Rental operator must provide guests with information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets (if permitted). The guest information must also remind guests that the property is located in a residential area;
- d) the property owner or Short Term Vacation Rental operator must provide guests with information on the location of the Woodland Sensitive Ecosystem located on the property, and how to avoid or minimize impacting the sensitive feature;
- e) the maximum number of guests is limited to six (6);
- f) camping and occupancy of recreational vehicles are prohibited;
- g) signs advertising the Short Term Vacation Rental are prohibited;
- h) the rental or provision of motorized personal watercraft is prohibited;
- i) all outdoor fires are prohibited;
- j) all parking for guests of, and visitors to, the Short Term Vacation Rental must be contained on the subject property;
- k) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with

- the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint;
- l) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;
 - m) the property owner or Short Term Vacation Rental operator must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;
4. This permit is valid for three (3) 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, or apply for a new permit.
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, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS DAY OF 2019.

Deputy Secretary, Islands Trust

_____, **2019**

Date Issued

July 16, 2019

File: MLECS-19-001, MLECS-19-002 and MLECS-19-003
Your File: NP-TUP-2019.1
NP-TUP-2019.2
NP-TUP-2019.3

Mr. Phil Testemale, Planner 2
Islands Trust
200 – 1627 Fort Street
Victoria, BC V8R 1H8

Dear Testemale:

**RE: TEMPORARY USE PERMITS FOR SHORT TERM VACATION RENTALS WITHIN
MAGIC LAKE ESTATES WATER AND SEWER SERVICE AREAS**

On June 11, 2019, the Islands Trust had submitted referrals for temporary use permits (TUP) for short term vacation rentals (STVR) on the following three properties located within the Magic Lake Estates Water and Sewer service areas:

- 3812 Cutlass Court (PID: 003-618-358)
- 1602 Schooner Way (PID: 000-785-733)
- 3745 Privateers Court (PID: 003-343-405)

It is confirmed that all three properties are within both the Magic Lake Estates Water and Sewer service areas and each have active connections to the water and sewer services. All three properties are zoned Rural Residential (RR) as per Islands Trust Land Use Bylaw 103.

On March 5, 2018, the CRD did respond to Islands Trust Bylaws 216 and 217 regarding secondary suites indicating that the sewage system is at its capacity and cannot take additional flows until it is upgraded.

However, with respect to STVR's, it is our understanding that additional suites (densification) are not being added on a permanent basis. Currently, the wastewater system is at its capacity (particularly during the winter months due to inflow and infiltration), but as long as additional wastewater flows are not generated over and above what can be reasonably expected from a rural residential property, then the system should not see any increased demand. Therefore, should Islands Trust choose to approve the TUP's, it should be on condition that wastewater discharges shall not exceed what can be reasonably expected from an existing rural residential property use.

If you have any questions or require further information, please feel free to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "M. J. Cowley". The signature is fluid and cursive, with a large loop at the end.

Malcolm Cowley, P.Eng
Manager, Wastewater Engineering and Planning
Integrated Water Services

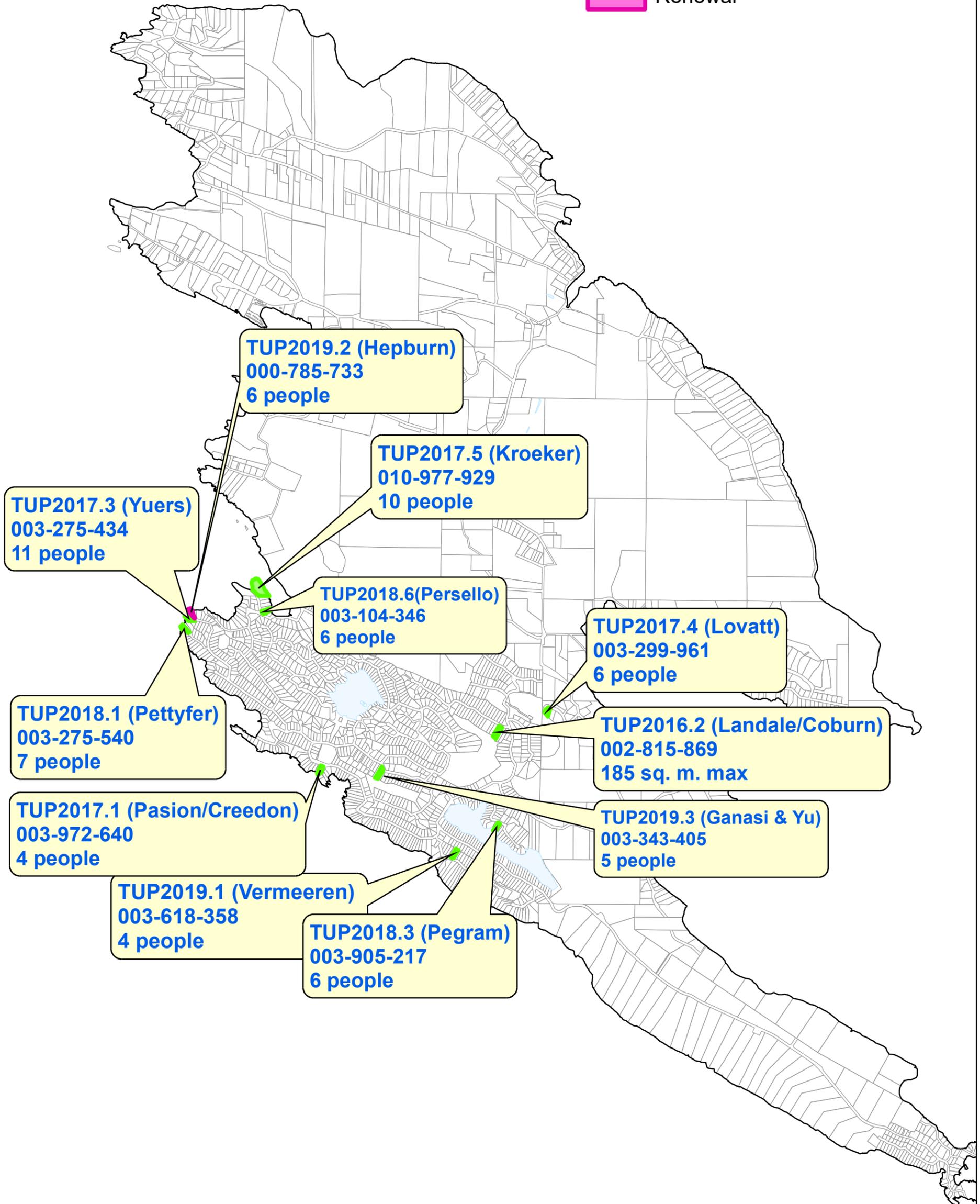
MJC:eu

cc: Kathy Heslop, Chair, Magic Lake Estates Water and Sewer Committee
Ian Jesney, Senior Manager, Infrastructure Engineering
Joseph Marr, Manager, Water Distribution Engineering and Planning

North Pender Island STVR Temporary Use Permits

Date: 9/12/2019

- In Process
- Issued
- Renewal



RENTAL RULES

1. Smoking is NOT PERMITTED anywhere inside the house or on the deck.
2. Guests are not allowed to exceed the occupancy limit agreed to above.
3. Guests should not create excessive noise at a level that disturbs neighbors; Code enforced neighborhood quiet hours are from 10:00 p.m. – 8:00 a.m.
4. Guests are to park at the bottom of the driveway, which can easily accommodate two vehicles, and not around the culdesac.
5. Water and Septic. The property is on well and septic systems. The septic system is very effective; however, it will clog up if improper material is flushed. DO NOT flush anything down the toilet other than toilet paper. ABSOLUTELY nothing!!! Flushing the toilet should be only after several times of use or unless absolutely necessary. NO feminine products at all! Also the kitchen sink, nothing goes down the drain but water. Avoid the dishwasher whenever possible and hand wash instead. If dishwasher must be used, never run it unless fully loaded. Showers should be short and not daily. When shaving or brushing teeth, water must be off. We rinse fruit and vegetables in a bowl of water rather than using running water and thaw frozen food by leaving it stand overnight in the fridge. The rules concerning water conservation are posted on the fridge as a reminder.
6. Garbage Disposal. Any garbage must be stowed in the proper garbage or recycling receptacles, located in the carport: Compost is in the covered and tightly closed bin behind the shed. Whatever you bring to Pender we ask you to take home with you, especially perishables.
7. Pets are not permitted.
8. Keep the property and all furnishings in good order.
9. The Homeowner is not responsible for any accidents, injuries or illness that occurs while on the property. The Homeowner is not responsible for the loss of personal belongings or valuables of the guest. By accepting this reservation, it is agreed that all guests are expressly assuming the risk of any harm arising from their use of the property or others whom they invite to use the Property.
10. Fireplace. The home you are renting is equipped with a wood-burning fireplace. Always be sure to open the damper before starting any fire. If smoke is coming out of the front of the fireplace, put out the fire immediately and ventilate the house. Wood is provided under the deck. Use the fireplace screen at all times when using the fireplace to prevent damage, particularly to the floor. Fire extinguisher is located in the kitchen next to the fridge. Guests are required to adhere to any burn bans and is responsible for any fees or fines due to violations.
11. Hot Tub. No children under the age of 6 permitted in the hot tub without adult supervision. When using the hot tub, remember there is a certain health risk associated with this facility. Use at your own risk. DO NOT STAND ON THE HOT TUB COVER. Keep the cover over tub when not in use. Ryan, our hot tub fella, services it before each guest. His number is 250 539 0681.. He also will be available if there should be any problems elsewhere in the house.

Please do not hesitate to call me at any time,

Best regards

Leslie 604 805 2245

For beach access, please look at the maps in the back of this binder and read the local attractions section. There is no access from the house- please do not trespass the neighbours property.

This is a residential family neighbourhood. Please respect the neighbour's tranquility by keeping noise level inside after 1000 pm.

Please keep the property and all furnishings in good order.

Pender Island is known for windstorms to stir up without much notice. Please ensure all patio cushions are inside when you retire in the evening or leave the property. Cushions are beside the front leftmost sliding glass door.

Emergency Numbers and Contacts:

We hope you enjoy your vacation at our home. Here is some useful information for your stay.

In case of emergency, dial 911

Leslie (owner) can be reached at 604-805-2245

Charmaine can be reached at 250-539-0656

- TEXT ONLY IF YOU ARE UNABLE TO CONTACT LESLIE

RYAN - MAINTENANCE - 250-539-0681

You are on the Southern Gulf Islands.

The address is...

1602 Schooner Way,

Pender Island, BC

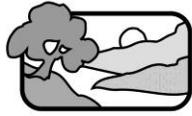
V0N 2M2

Pender Island Medical Clinic: (250) 629 3233

BC Poison Control: 24-hour Line: 604-682-5050 or 1-800-567-8911

The first aid kit is located in the closet in the washer and dryer room (located on the main floor).

The fire extinguisher is located in the kitchen to the right of the fridge.



File No.: NP-OTH-2019.2 (Shaw Communications)

DATE OF MEETING: November 7, 2019
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale
Southern Team
SUBJECT: Consultation for Proposed Extension of Lively Peak Communications Tower – Final Report
Applicant: Shaw Cablesystems GP c/o Todd Musat,
Location: Lively Peak (Portion of Lot A, Section 10, Pender Island, Cowichan District, Plan 30588 – 4628 Ketch Road, Lively Peak Park - CRD)

RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee concurs with referral application NP-OTH-2019.2 (Shaw Communications), being an application to the federal Ministry of Innovation, Science and Economic Development Canada (ISED) to extend the existing communications tower on Lively Peak, from 12.5 metres to 21.8 metres, as specified in Appendix 1 of the staff report dated November 7, 2019.**

REPORT SUMMARY

The purpose of this report is to provide further information on the referral of the proposal by Shaw Cablesystems G.P. (Shaw) to extend the existing communications tower on Lively Peak, and to seek direction from the North Pender Local Trust Committee (LTC) on a resolution for concurrence or non-concurrence for the proposal that will be forwarded to the federal Ministry of Innovation, Science and Economic Development Canada (ISED).

The above recommendation is supported as the results of public consultation notification and a Community Information Meeting (CIM) generated only technical questions, support or neutral comments about the project; and, the proposal is supported by the LTC's protocol as it incorporates colocation and has a community service benefit.

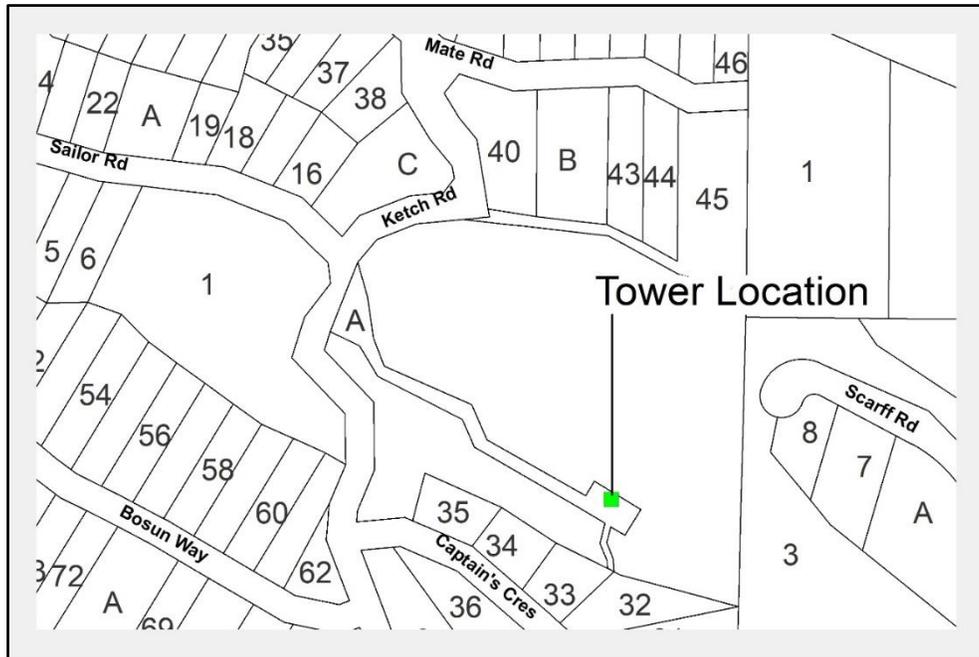
BACKGROUND

The proposal is the result of a referral request by Shaw to the LTC seeking comment on the proposal and provide a statement of concurrence or non-concurrence be sent to the federal Ministry of Innovation, Science and Economic Development Canada (ISED). The latter has jurisdiction over telecommunications uses such as radio broadcast towers and cellular telephone towers, which are licensed under the federal *Telecommunications Act*. ISED looks for the land use authority to issue a letter of concurrence or non-concurrence with the proposal put forward by telecommunications proponents and the consultation process they conduct.

The proposal is to extend the structural portion of the existing 12.5 m tower to a height of 15 m to include new Shaw antennas and to further add Capital Regional District (CRD) antennas for emergency communications to a cumulative height of 21.8 metres (see Attachment 1, Figures 2 and 3).

Background to this application, including an initial staff report with analysis, as well as notification materials is available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/current-application-documents/>.

Figure 1 – Subject Property



Specific File Activity:

The application has been reviewed previously by the LTC on July 25, 2019.

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

- At its July 25, 2019 Regular Meeting, the LTC passed the following resolution:

NP-2019-078

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proceed with public consultation for application NP-OTH-2019.2 (Shaw Communications) as specified in Attachment 6 ('Public Consultation Plan').

CARRIED

NP-2019-079

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to undertake notification and schedule a community information meeting in coordination with the proponent.

CARRIED

- A notice of the application and CIM was drafted (Attachment 2) and mailed and hand delivered to all residents with 220 metres from the base of the communication tower by the Islands Trust.
- The proponent confirmed that the notice was sent to the Pender Islands Parks and Recreation Commission, Magic Lake Property Owners' Association and Pender Island Fire Rescue.
- The notice was placed in the August 21, 2019 edition of the Driftwood newspaper by the proponent.
- The notification period extended thirty (30) days from August 15, 2019 to September 15, 2019.
- A Community Information Meeting (CIM) was held at the September 5, 2019 Regular Meeting of the LTC. That meeting included a presentation by the proponent (Attachment 3) an informal 'Open House' with displays, and a question and answer session. The LTC meeting was attended by approximately twenty six (26) people (it is unknown what number were specifically attending for the CIM as it was part of the LTC's Regular Meeting) and those who asked questions or spoke were supportive or made neutral comments about the proposal. A draft excerpt of the Minutes of the September 5, 2019 CIM is Attachment 4.
- One (1) e-mail response was received in response to the notification delivery (above) with a technical question about 5G. A reply was sent by K. Enemark of Shaw. The writer, in turn, replied with an e-mail of support (Attachment 5).

Figure 2 – Elevation Plans of Proposed Extension

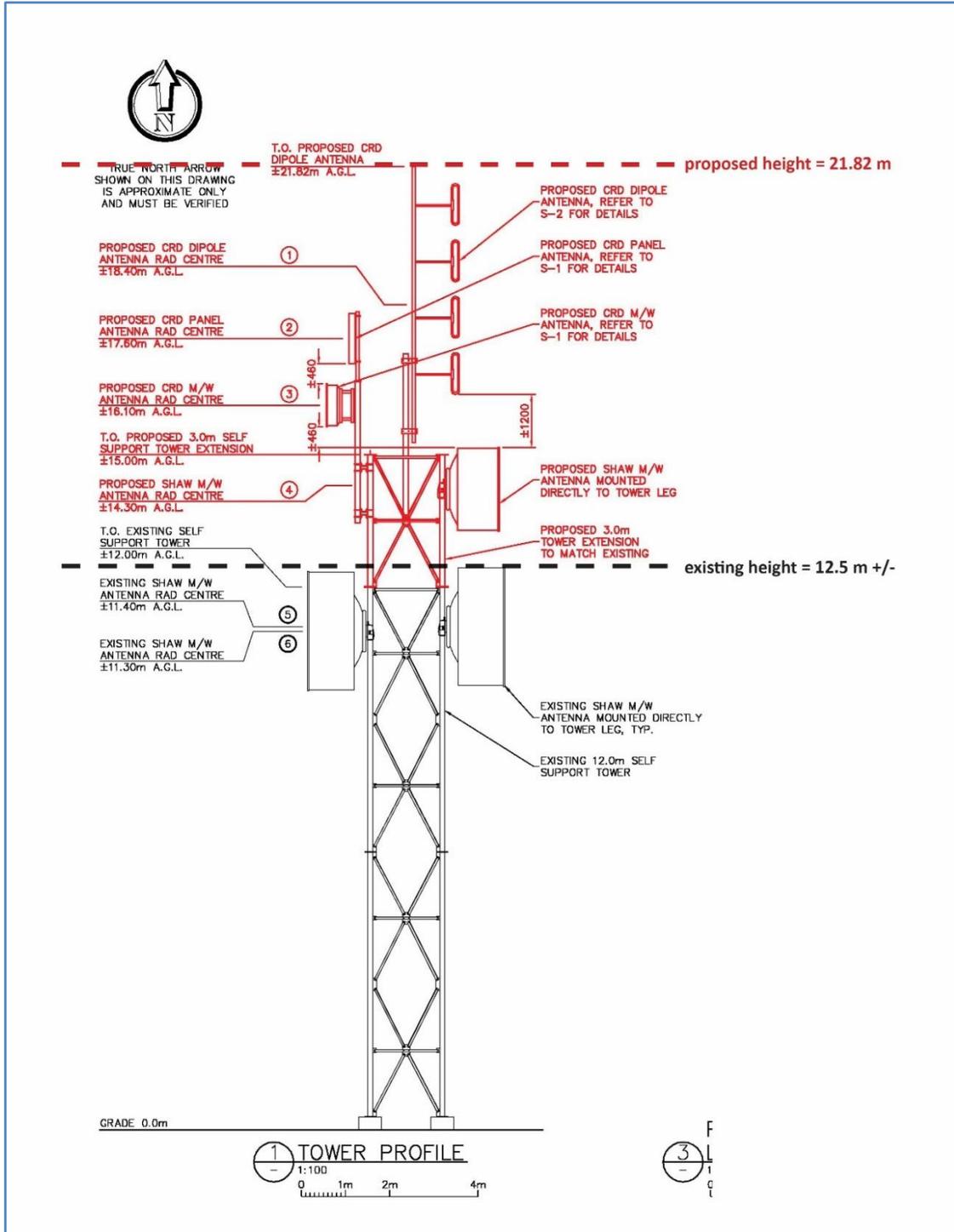


Figure 3 – Photo Simulation of Existing and Proposed Tower



Consultation

Statutory Requirements

See above 'Specific File Activity' for a summary of public consultation undertaken.

Rationale for Recommendation

The recommendations on page 1 for concurrence is supported as:

- the results of public consultation notification and a Community Information Meeting (CIM) generated only technical questions, support or neutral comments about the project; and,
- the proposal is supported by the LTC's protocol as the proposal incorporates colocation and has a community service benefit.

ALTERNATIVES

1. The LTC passes a resolution of non-concurrence

The LTC may opt to pass a resolution of non-concurrence with the referral. If selecting this alternative, the LTC should describe the specific reasons. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee does not concur with referral application NP-OTH-2019.2 (Shaw Communications), being an application to the federal Ministry of Innovation, Science and Economic Development Canada (ISED) to extend the existing communications tower on Lively Peak, from 12.5 metres to 21.8 metres, as specified in Appendix 1 of the staff report dated November 7, 2019 for the following reasons: ...

NEXT STEPS

- Staff will forward the LTCs resolution and supporting documentation to the ISED through the applicant or directly.

Submitted By:	Phil Testemale Planner 2	October 22, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	October 23, 2019

ATTACHMENTS

1. Shaw Notification (2019-08-13)
2. Notice of Application and Community Information Meeting
3. Presentation slides by proponent (2019-09-05)
4. Minutes from CIM (2019-09-05)
5. Correspondence (redacted) from J. Johnson (2019-09-14)



Dear Neighbour,

Re: Notice of Consultation, Tower Extension, Lively Peak

Shaw Communications is committed to investing in its network infrastructure to improve internet services. Shaw recognizes dependable internet service is becoming more and more important to your community. As a leading connectivity provider, Shaw continues to invest in the Southern Gulf Islands, to offer dependable services to residents and businesses.

Proposal Overview

Shaw is seeking to improve internet service to Pender, Mayne and Galiano Islands by way of an antenna upgrade. In order to complete the upgrade, Shaw is proposing to extend the height of an existing tower by 3m to accommodate a new antenna. To further enhance services to the islands, Shaw has designed the tower extension to support antennas operated by the Capital Regional District (CRD) improve communications for emergency services on the islands. While the structural height of the tower will increase from 12m to 15m, with addition of the CRD antenna, the cumulative height will be a total of 21.85m.

Regulatory Authority:

Telecommunication providers are required by Innovation, Science, and Economic Development Canada (ISED), formerly Industry Canada, to consult with the local municipality and the general public regarding new installations. ISED does have exclusive jurisdiction over the approval and placement of telecommunications installations. The Islands Trust does have a telecommunications protocol titled, '*Model Strategy for Antenna Systems – Local Planning Committee*', which Shaw is following. In reviewing the Islands Trust protocol, the proposed tower extension supports the protocol's preferred site selection in the use of existing towers (in place of building new towers) and co-location, since the location of the tower is compatible for CRD communication purposes. The tower is set away from residential areas and is buffered by trees that will screen the tower.

Purpose

The purpose of extending the existing tower by 3m is to support new antennas that will improve important commercial and public services:

- The tower will be supporting CRD antennas that will be providing emergency service communications, connecting electoral EOC and improving SCADA site communications;
- The tower will support a new Shaw microwave antenna that will increase the bandwidth in order to increase internet speed and dependability to residents and businesses on Pender, Mayne and Galiano. Due to internet usage increase and limited capacity bandwidth of our network backhaul, customers have been affected by network saturation. This upgrade will improve the quality of service for approximately 2600 customers.

Location

The existing tower is located at Lively Peak Park with coordinates N 48.771111°, W 123.281472°. There is an existing access road from Ketch Road to the tower. Construction is anticipated to take 30 days. Once complete, the site will only be accessed for routine maintenance visits which typically occur once or twice a month.



Site Plan and Tower Design

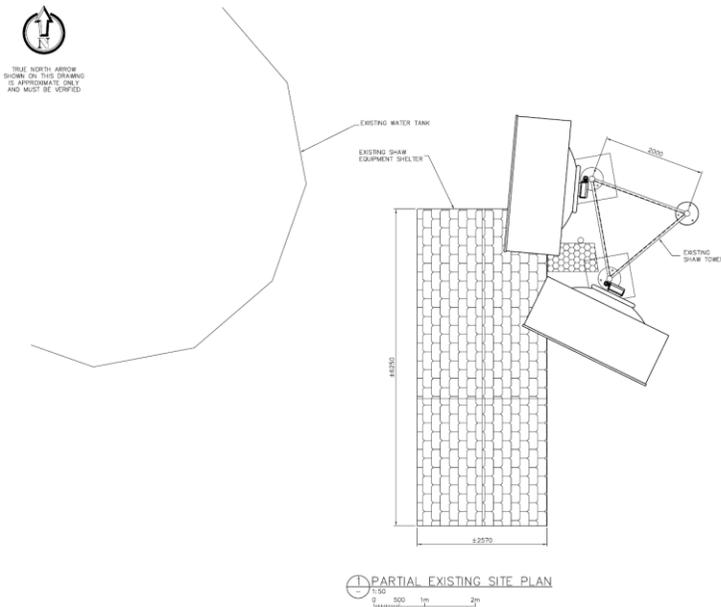
Below, please find a photo-simulation depicting the 3m tower extension and new antennas, as well as a site plan where the footprint of the tower area and ancillary equipment will not be expanding.



① EXISTING



② PROPOSED



For details on the tower location and design, please refer to Shaw’s application at <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/current-application-documents/>

Health & Safety of Wireless Facilities

ISED manages the radio communications spectrum in Canada and requires telecommunications facilities to comply within the guidelines set by Health Canada in order to protect people who live or work near these facilities. These Health Canada safety guidelines are outlined in their ‘Safety Code 6’ document. Shaw attests that the radio installation described in this notification package will be installed and operated on an ongoing basis to comply with Health Canada’s Safety Code 6 for the protection of the general public including any combined effects of nearby installations within the local radio environment.

Environment

Shaw confirms that the installation is excluded from environmental assessment under the Canadian Environmental Assessment Act.

Transport Canada

The tower extension will be marked in accordance with the Transportation Canada and NAV Canada requirements.

Structural Considerations

Shaw confirms that the antenna structure described in this notification package will apply good engineering practices including, structural adequacy during construction. The facility will be built to the National Building Code as well as the BC Building Code.

General Information

General information relating to antenna systems is available on ISED's Spectrum Management and Telecommunications website: http://www.ic.gc.ca/eic/site/smt-gst.nsf/en/h_sf01702e.html

Contact

The North Pender Island Local Trust Committee (LTC) will be holding a Community Information Meeting (CIM) on the proposed communication tower extension on **September 5, 2019** at 10:00am at the North Pender Island Community Hall, 4418 Bedwell Harbour Road.

Comments

Written comments may be submitted on the proposal until **September 15, 2019**. Correspondence will be kept confidential can be directed to:

Islands Trust

Email: npltcwebmail@islandstrust.bc.ca.

Phone: (250) 495-5151

Shaw Communications

Kiersten Enemark

E-mail: Kiersten.Enemark@sjrb.ca

Phone: (604) 629-3103

ISED - Vancouver Island District Office

1230 Government Street, Room 430

Victoria BC V8W 3M4

Tel: 250-363-3803

Fax: 250-363-0208

Email: ic.spectrumvictoria-victoriaspectre.ic@canada.ca

(By appointment only)



Islands Trust

Visit our web site at:

www.islandstrust.bc.ca

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE OF PROPOSED TOWER EXTENSION and COMMUNITY INFORMATION MEETING

PROPOSAL

Shaw Cablesystems G.P. (Shaw) is seeking to improve internet service to Pender, Mayne and Galiano by way of an antenna upgrade. To complete the upgrade, Shaw is proposing to extend the height of an existing tower on Lively Peak (4628 Ketch Road) from 12 metres to 15 metres to support new antennas for a total proposed height of 21.8 metres. The tower extension will improve the speed and dependability of internet service for Shaw customers and enhance CRD connectivity to Emergency Operation Centres and operational connectivity for utilities and staff. More information including a detailed project submission by Shaw is available here:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/current-application-documents/>

Applicant Contact: Kiersten Enemark, kiersten.enemark@sjrb.ca; 604-629-3103

COMMUNITY INFORMATION MEETING

The North Pender Island Local Trust Committee (LTC) will be holding a **Community Information Meeting (CIM)** on the above, proposed communication tower extension. The CIM will include displayed information, a presentation by the applicant and a question and answer session.

Date: Thursday , September 5, 2019

Time: 10:00 a.m.

Location: North Pender Island Community Hall – 4418 Bedwell Harbour Rd.

NOTIFICATION PERIOD

The **Notification Period** for submitting written comments on the proposal will end on **September 15, 2019**. Correspondence or Enquiries can be directed to:

Email: npltcwebmail@islandstrust.bc.ca.

Phone: (250) 495-5151

Web: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/>

ALL MEETINGS ARE OPEN TO THE PUBLIC

Welcome to the Community Information Meeting

The purpose of the meeting is :

To share information on a proposal to improve service by extending the height of an existing communications tower to accommodate new antennas

To receive community feedback and answer questions regarding the proposal

Shaw | Proposal

- Shaw Communications is seeking to improve internet service to Pender, Mayne and Galiano Island by way of an antenna upgrade
- To complete the upgrade, Shaw is proposing to extend the height of an existing tower at Lively Peak to support a new antenna that will improve internet service
- The tower extension will also support CRD antennas that will be connecting electoral Emergency Operation Centres (EOC) as well as improving SCADA site communications



Shaw)

Tower Extension | What will the tower look like?

To complete the antenna upgrade, Shaw is proposing to extend the height of an existing tower by 3m to accommodate new antennas.

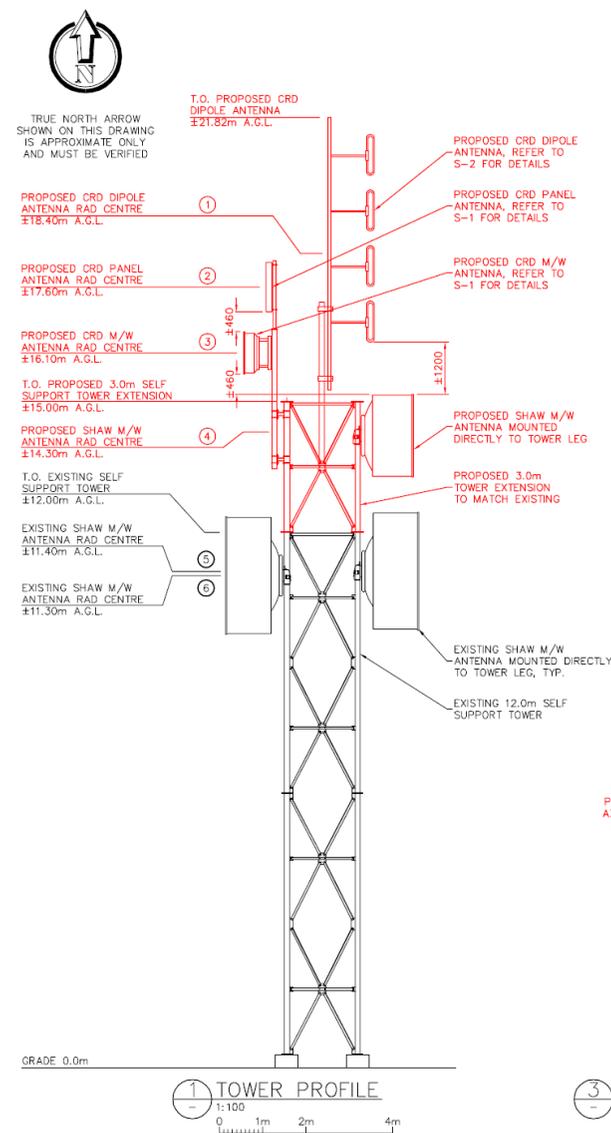
The structural height of the tower will increase from 12m to 15m. With the addition of the three (3) CRD antennas and one (1) Shaw antenna, the cumulative height will be a total of 21.85m.



1 EXISTING



2 PROPOSED



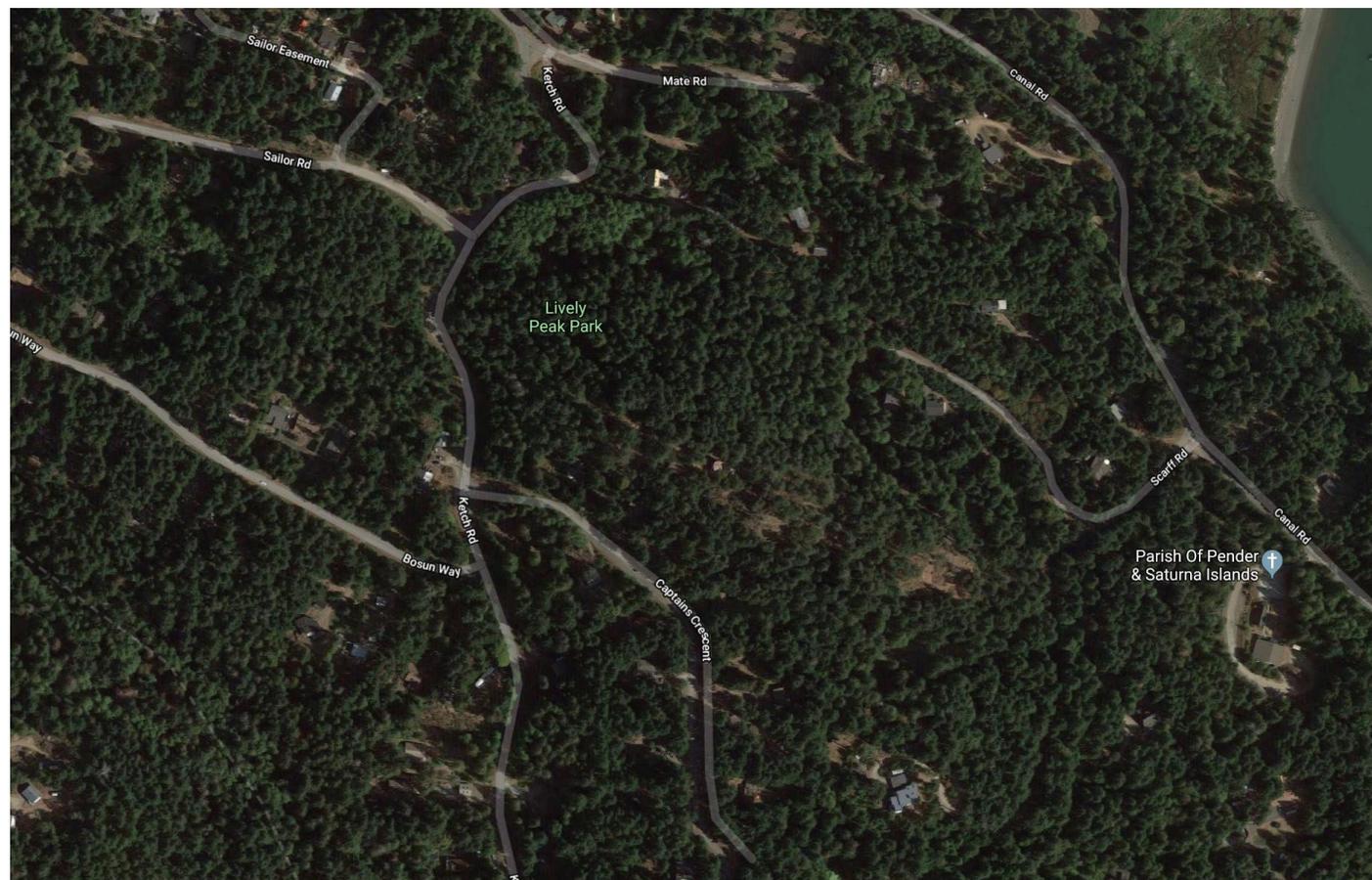
Tower Extension | Where is the tower?



The existing 12m tower is located at Lively Peak.

In compliance with the Islands Trust telecommunications protocol:

- Shaw and the CRD are co-locating on an existing structure to support new antennas, rather than building new telecommunication infrastructure
- The tower is set away from residential areas and is surrounded by trees that will screen the tower



Health & Safety | Safety Code 6

- Innovation, Science and Economic Development (ISED) has made compliance with Safety Code 6 a condition of license for all radio communications
- Health Canada has adopted exposure guidelines for radiofrequency (RF) energy for radio communications under Safety Code 6
- Safety Code 6 (updated in 2015) is current and validated information for protecting the health and safety of all Canadians
- The proposed tower extension will be fully compliant with Health Canada's Safety Code 6





North Pender Island Local Trust Committee

Minutes of Regular Meeting (Excerpted)

Date: September 5, 2019
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: Laura Patrick, Chair
Deb Morrison, Local Trustee
Benjamin McConchie, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Warren Dingman, Bylaw Compliance Enforcement Manager
Shannon Brayford, Recorder

Public: There were 16 members of the public.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:00 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She noted that the meeting was being live streamed.

2. APPROVAL OF AGENDA

It was recommended that item 12.3 NP-TUP-2019.2 (Hepburn) be removed from the agenda following a request from the applicant that it be deferred.

By general consent the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee Morrison provided a report including the following points:

- Thanked Magic Lake Water and Sewer for their progress on sewer improvement plans;
- Thanked the community for their input on climate change issues;
- Update on Gardom Pond, the community's expressions of regret at its draining, and opportunities for Trust Council to prevent similar situations in the future;
- Meeting with the local Fire Chief regarding water protection and pond preservation;
- Thanked Bylaw Enforcement for their consistent work, particularly regarding Short Term Vacation Rentals (STVRs) and derelict vehicles; and
- Update on Islands Trust's adoption of virtual meeting formats and the benefits.

Trustee McConchie provided a report including the following points:

- Regret at the outcome of the Gardom Pond issue;
- Recommendation that people use restraint when property owners perform tree removal;
- There is a minimum house size, but not a maximum one on North Pender Island; and
- Overview of a meeting between key community members and BC Ferries.

4. CHAIR'S REPORT

Chair Patrick reported the following:

- Islands Trust will launch a policy statement engagement program. She advised the community that they can register on the website to receive updates and information;
- On-island engagements will happen in November; and
- An overview of the strategic engagement undertaken at Trust Council regarding climate change adaptation.

5. TOWN HALL AND QUESTIONS

Wilma Riley spoke against STVRs and their negative impact on infrastructure. She requested and received information on bylaw enforcement. She also addressed the amount of slash being removed from trees and left by roadsides. She recommended that the Capital Regional District (CRD) remove the debris as it does in other areas.

Daurel Minion clarified the current progress and future process for the Magic Lake Water and Sewer referendum. She addressed the issues with awarding Temporary Use Permits (TUPs) for STVRs in areas requiring sewer remediation. She

requested and received information on the smallest house size permitted on North Pender Island.

An overview was provided on the manner by which Salt Spring Island and Galiano Island are addressing STVRs. She requested and received information on the current situation on Pender Island.

Michael Sketch requested and received information regarding public participation at Islands Trust committee meetings that are held virtually.

6. COMMUNITY INFORMATION MEETING

6.1 NP-OTH-2019.2 (Shaw)

Chair Patrick provided an overview of the process for the public meeting.

Kiersten Enemark introduced herself and Cam Wyatt as representatives of Shaw. She provided an overview of the application, its rationale, and a list of the benefits to the community.

Kiersten Enemark provided an overview of the considerations being taken to ensure that the project is in compliance with all relevant regulations. Chair Patrick invited the

community to view the display boards at 10:40 a.m. and recalled the meeting to order at 11:00 a.m.

Chair Patrick invited questions and comments from the public. The following comments were heard:

- Daurel Minion requested and received information on the benefit of increased bandwidth and how the provider will keep up with growth;
- Michael Sketch requested and received information on whether there may be future considerations in which higher energy density antennae would be installed to serve a specific area;
- A member of the public requested and received information on the location and the scope of the permission being granted;
- Dale Henning spoke in favour and requested that the Trustees consider the importance of internet improvements on the island; and
- A member of the public spoke in favour of fibre optic technology and noted the health concerns of population members who are sensitive to other forms.

Staff provided an overview of the process for this application moving forward and it was noted that a letter was submitted by the Southern Gulf Islands Economic Sustainability Commission related to a similar matter.

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated July 25, 2019

By general consent the Local Trust Committee Meeting Minutes of July 25, 2019 were adopted as presented.

8.2 Section 26 Resolutions-without-meeting Report

None

8.3 Advisory Planning Commission Minutes

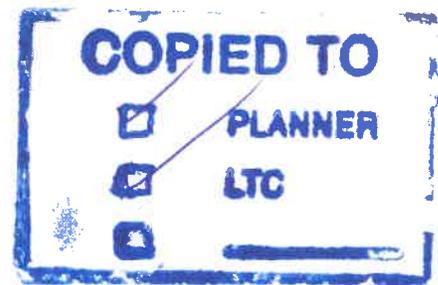
None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated August 2019

Regional Planning Manager (RPM) Kojima provided an update on the Grimmer TUP application and the status of the reports in response to the directions of the LTC at the last meeting.

Trustee Morrison requested that a lease agreement or other similar documents between the applicant and the property owner be submitted when the application is returned.



From: Julie Johnston <[REDACTED]>
Sent: Monday, September 16, 2019 11:41 PM
To: Kiersten Enemark <Kiersten.Enemark@sjrb.ca>
Cc: npltcwebmail <npltcwebmail@islandstrust.bc.ca>
Subject: Re: Written comment re Shaw Communications proposed tower extension

Thank you for this assurance, Ms Enemark. I appreciate it.

I also know that your internet customers on Pender will appreciate enhanced internet service.

Julie Johnston

On Sep 16, 2019, at 2:49 PM, Kiersten Enemark <Kiersten.Enemark@sjrb.ca> wrote:

Hello Ms. Johnston,

Thank you for your message and participating in the public consultation for the proposed tower extension.

The purpose of the tower extension is to support new antennas that will improve internet service and emergency services. This tower is not a cellular tower and the tower extension will not be used for cellular service including 5G technology.

Kiersten Enemark
Government Relations Manager, B.C.
Shaw Communications Inc.

From: Julie Johnston <[REDACTED]>
Sent: Saturday, September 14, 2019 7:17 PM
To: npltcwebmail@islandstrust.bc.ca
Cc: Kiersten Enemark <Kiersten.Enemark@sjrb.ca>
Subject: Written comment re Shaw Communications proposed tower extension

CAUTION: This email is from an external source. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I live at [REDACTED] on Pender Island, almost right below the Shaw Cable tower. I was away when you held the community information meeting.

I would like to make one point. Can you assure me (and assure) that this tower extension is not for the purposes of introducing 5G technology to Pender Island -- even at some point in the future? I would want a LOT more information on what some are calling the catastrophic impacts of 5G technology before becoming a neighbour to a 5G tower.

*Thank you,
Julie Johnston*

[REDACTED]



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navcanada.ca

October 23, 2019

Your file
Pender Island Tower Extension (SHCB032)
Our file
19-3599

Mr. Sean Blair
Shaw Communications Inc.
2728 Hopewell Place NE
Calgary, AB
T1Y 7J7

**RE: Communication: Existing - Self Support - Pender Island, BC
(N48° 46' 16.0" W123° 16' 53.3" / 71.5879' AGL / 636.0236' AMSL)**

Mr. Blair,

NAV CANADA has evaluated the captioned proposal and has no objection to the project as submitted.

NAV CANADA does not require notification of construction; however, if you should decide not to proceed with this project, please advise us accordingly so that we may formally close the file. If you have any questions, contact the Land Use Department by telephone at 1-866-577-0247 or e-mail at landuse@navcanada.ca.

NAV CANADA's land use evaluation is valid for a period of 12 months. Our assessment is limited to the impact of the proposed physical structure on the air navigation system and installations; it neither constitutes nor replaces any approvals or permits required by Transport Canada, other Federal Government departments, Provincial or Municipal land use authorities or any other agency from which approval is required. Innovation, Science and Economic Development Canada addresses any spectrum management issues that may arise from your proposal and consults with NAV CANADA Engineering as deemed necessary.

This document contains information proprietary to NAV CANADA. Any disclosure or use of this information or any reproduction of this document for other than the specific purpose for which it is intended is expressly prohibited except as NAV CANADA may otherwise agree in writing.

Yours truly,

Olivier Meier | NAV CANADA
Manager – AIM Land Use

cc PACR - Pacific Region, Transport Canada
CBF5 - MAYNE ISLAND (MEDICAL EMERGENCY)(HELI)



MEMORANDUM

File No.: NP-TUP-2018.5 (Grimmer)
NP-BE-2012.8

DATE OF MEETING: November 7, 2019

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: William Shulba, Senior Freshwater Specialist
Warren Dingman, Manager of Compliance and Enforcement

SUBJECT: Temporary Use Permit –NP-TUP-2018.5 (Grimmer)– Update

PURPOSE

The purpose of this memo is to provide an update on the status of the proposed TUP application, and particularly to report on the submission of the requested Environmental Management Plan. And, to provide the North Pender Local Trust (LTC) with a ‘next steps’ for proceeding with the application.

BACKGROUND

The application proposes a concrete batch plant and associated uses on a .75 ha (1.9 ac. – approx.) portion of the subject property (See Figure 1). Proposed uses on the subject portion are as follows:

- A redi-mix concrete batch plant
- Storage of aggregates (sand and gravel)
- Storage of vehicles and equipment (indoor and outdoor) required for the use
- A settling pond system
- A lock-block form assembly associated with the concrete batch plant
- A 15’ x 30’ shop (fabric ‘cover-all’ type of structure) for vehicle repair and maintenance

The TUP would bring the property into compliance with the LUB. The uses are currently being undertaken on the property which is zoned **Rural (R)** and does not permit industrial uses. There is an active Bylaw Enforcement file (NP-BE-2012.8) that originally cited the extension of the excavation business from the 3418 South Otter Bay Road to the subject property. This application is one pathway to legalizing the uses on the property, the other would be a rezoning application.

Background to this application, including three (3) staff reports is available on the Islands Trust website:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/current-application-documents/>

Specific File Activity:

The application was reviewed most recently by the LTC on July 25, 2019. The following is a summary of activities that have occurred for this application since the last report to the LTC:

- At its July 25, 2019 Regular Meeting, the LTC passed the following resolution:

NP-2019-080

It was Moved and Seconded,

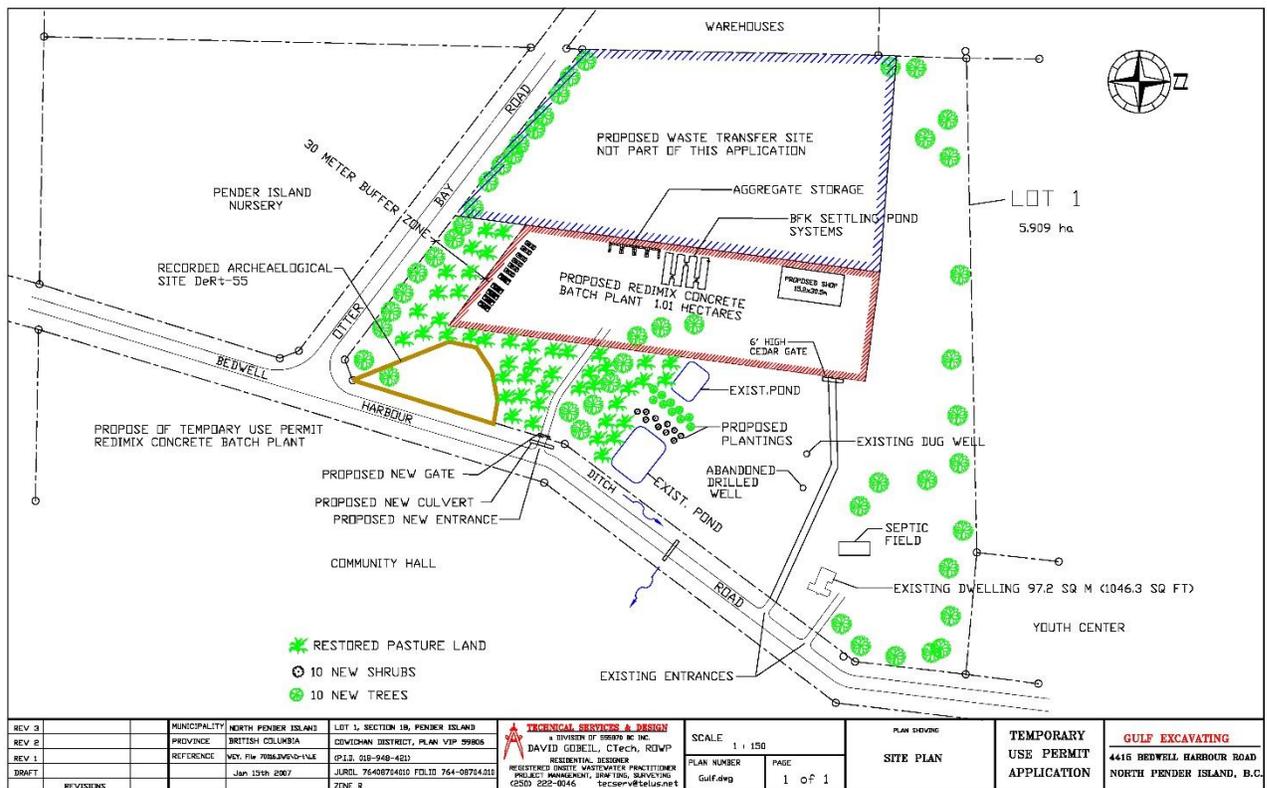
the North Pender Island Local Trust Committee request that prior to the implementation of any required environmental management plans, the applicant provide a letter from a licensed qualified environmental professional with relevant experience within 30 days of July 25, 2019:

- a. A statement of opinion that current uses and activities on the property have minimal risk on the receiving environment; and
- b. Any uses or activities for which the licenced qualified environmental professional with relevant experience cannot provide a statement of opinion of minimal risk must cease.

CARRIED

- On August 26, 2019, a Letter of Opinion from Islander Engineering was received in response to the foregoing request (Attachment 1). This was reviewed by staff and forwarded to the LTC with the opinion that it met the condition of the request (above).
- On September 3, 2019 Staff e-mailed the applicant and Islander Engineering requesting that the Environmental Management Plan (EMP) be submitted within thirty (30) days.
- On September 10, 2019, staff e-mailed the applicant requesting the terms of any lease agreement with the property owner be supplied to the Islands Trust. At the time of writing no reply has been received.
- On October 3, 2019 Staff received the Environmental Management Plan (EMP) prepared by Islander Engineering Ltd (dated October, 2019 – Attachment 2). Staff reviewed and forwarded it to LTC on October 17, 2019.
- Staff forwarded a ‘checklist’ to the applicant and his consultant on October 17, 2019 (Attachment 3). That requests information on compliance/completion for each of the EMP’ s recommendations or a projected date for compliance. Staff requested that the completed checklist be returned to staff by October 24, 2019. At the time of writing no reply has been received.

Figure 1 –Detail of Proposed TUP Area



Environmental Management Plan:

As above Staff, including William Shulba, Senior Freshwater Specialist, reviewed the EMP. There is concurrence that the report generally complies with the recommended mitigation measures of the [‘Environmental Assessment \(EA\)’](#) report by TRI Environmental Consulting Inc. (January 7, 2019).

The EMP addresses the areas of potential impact subdivided into three (3) plans:

1. Water Management
2. Chemical and Petroleum Hydrocarbon Management
3. Spill Response and Prevention

The EMP also identifies other provincial and federal regulations and obligations of the applicant with such an operation. The EMP recommends many Best Management Practices (BMPs) which presumably draw on those other regulations.

As above, staff have requested that a completed checklist be submitted in order to indicate the extent of the applicant’s actions to date toward implementing of the EMP.

Staff’s primary concern is with many non-prescriptive recommendations and the inability to include these in a draft Temporary Use Permit as they are either practically difficult to monitor, unenforceable or beyond the Islands Trust’s jurisdiction. Notwithstanding, staff will draft a TUP and report to the next LTC agenda (November 28, 2019) with both the TUP and identification of those recommendations omitted for the foregoing reasons.

The LTC should direct staff to request further information or amendments to the EMP if it identifies deficiencies or areas of concern that the EMP does not address.

Next Steps

- Staff will report back to the LTC on November 28, 2019 with a Draft TUP
- Staff will revise (if directed) the draft TUP based on feedback from the LTC and proceed with notification of the TUP and a Community Information Meeting (CIM) as follows:
 - to neighbours within 100 metres,
 - identified agencies and organizations
 - place a notice in a newspaper within two (2) weeks prior to the scheduled CIM
- The CIM will be scheduled for the first regular LTC meeting in 2020. Alternatively, the LTC can direct staff to schedule a special meeting for a CIM for an earlier date.
- Once the CIM is concluded, the LTC will have the alternatives to amend the TUP, consider issuance or deny the application.

Submitted By:	Phil Testemale, Planner 2	October 29, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	October 29, 2019

ATTACHMENTS

1. Letter of Opinion – Islander Engineering (2019-08-26)
2. Environmental Management Plan (EMP) - Islander Engineering (2019-10)
3. Applicant Checklist (blank)



ISLANDER ENGINEERING

Memorandum

Date: August 26 2019

To: Aaron Grimmer
Gulf Excavation Ltd.
4415 Bedwell Harbour Road
North Pender Island, BC

Project: 2107

Re: Statement of Opinion Current uses and activities at 4415 Bedwell
Harbour Road

Islander Engineering Ltd. (IEL) was retained by Mr. Aaron Grimmer of Gulf Excavation Ltd. (GEL) to provide environmental services in support of a Temporary Use Permit Application related to concrete batch plant operation, shale rock quarrying and general operations at 4415 Bedwell Harbour Road on North Pender Island, BC ("the Site").

IEL and TRI Environmental Consulting Inc. (TRI) previously completed an Environmental Impact Assessment for the Site in January 2019. The assessment concluded that while there were no observable environmental impacts at the Site as a result of the site activities, management plans should be prepared for the storage and handling of wash water, petroleum hydrocarbons, and other chemicals in order to mitigate any potential risks of environmental impacts. Following this recommendation, the North Pender Islands Local Trust Committee (LTC) requested that these plans be prepared and that a letter of opinion be provided to quantify the risks to the receiving environment as a result of current Site activities. This letter has been prepared to address the latter of these requests by the LTC, regarding risks to the receiving environment.

IEL attended the Site on August 23, 2019 to inspect site activities and discuss recent changes to the Site's environmental procedures. Since IEL's November 2018 site visit, the following upgrades have been performed at the Site:

- A lined secondary containment structure has been constructed for storage of all petroleum hydrocarbon products on Site, with the exception of those stored within tidy tanks installed on pickup trucks.
- A lined secondary containment structure has been constructed for storage of all cement additives and other chemicals at the batch plant location. Roofing for this containment area is currently under construction.
- Improvements are ongoing with regard to wash water collection, storage and management. Wash water from cement trucks and general surface runoff captured within the batch plant area is captured on the concrete ground surface and directed to one of two sedimentation tanks. The sedimentation tanks will be located within secondary containment that has been

constructed with 40mil pond liner. It is expected that construction of the secondary containment area for wash water will be completed within the month of August. No concrete production will be carried out until construction is complete.

The abovementioned improvements shall be documented along with best management procedures within the forthcoming management plans. With the improvements mentioned, it is the opinion of IEL that the site activities have **minimal risk** to the receiving environments including the downstream Riparian Area and the underlying groundwater aquifer. The following notes provide additional reasoning for this opinion:

- No concrete wash water or runoff from the concrete batching area is leaving the Site. Management systems are in place or under construction to ensure capture and reuse of this water on the Site.
- No concrete wash water is coming into contact with permeable ground surfaces.
- Secondary containment structures are in place to provide emergency containment for all petroleum hydrocarbons, cement additives, and wash water.
- Ph levels within surface water ponds (~8.0) and drainage trenches throughout the Site are within the expected range for rainwater runoff, indicating that discharge from the batch plant area is contained and not reaching the general catchment area for rain water runoff.
- Surface water and vegetation within ponds throughout the Site do not exhibit any signs of contamination with concrete wash waters.

We trust that this letter meets your current needs. This letter may be updated following inspection of the Site during the rainy season (fall/winter 2019). It is expected that management plans will also be completed following this inspection.

Please contact the undersigned with any questions.

ISLANDER ENGINEERING LTD.

Prepared by:



Sean Babulic, EIT
Project Engineer
1.250.507.8538
sbabulic@islanderengineering.com

Reviewed by:



Josh Bartley, P. Eng.
Senior Engineer, Principal



ISLANDER
ENGINEERING

Environmental Management Plan

Prepared For:

Gulf Excavating Ltd.
4415 Bedwell Harbour Rd
North Pender Island, BC
V0N 2M1

Prepared By:

Sean Babulic, EIT
Project Engineer

Reviewed By:

Shawna E. Reed, Ph.D, R.P.Bio.
Senior Biologist

Project Number: 2181
October 2019



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Appendix A – Spill Report Template

Appendix B – Site Inspection Checklist

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Figure 1 – Location Plan

Figure 2 – Area Plan

Figure 3 – Site Plan

1. INTRODUCTION

This Environmental Management Plan (EMP) has been prepared for Gulf Excavating Ltd. managers, staff and subcontractors as a guide for implementing environmental protection measures during operations at 4415 Bedwell Harbour Road, North Pender Island (the Site).

The prime objectives of this EMP are the protection of the groundwater aquifers in the vicinity of the Site, the terrestrial environment surrounding the Site, and the downstream aquatic areas that could potentially be impacted by Site operations.

This document outlines sensitive environmental receptors, adjacent land uses, operational methods, environmental mitigation measures, best management practices, and environmental monitoring requirements related to the Site and Site operations.

2. SITE DETAILS

2.1 Site Description

The property is located on the west side of Bedwell Harbour Road and is immediately north of the intersection of Bedwell Harbour Road and Otter Bay Road on North Pender Island, BC. The Site location is depicted within Figure 1. The Site is part of the North Pender Island Local Trust Area. Pertinent legal information for the lot is summarized as follows:

Address	PID	Plan	Lot	Block	Section	Range	Land District
4415 Bedwell Harbour Road	018-948-421	VIP59806	1	-	18	-	Cowichan

The Site is currently zoned R (Rural) under the North Pender Island Land Use Bylaw No. 103 and as depicted on Schedule D. The zoning is intended to permit dwellings, agriculture, cottages on lots 1.2 hectares in area and larger, accessory home business, and, on lots greater than 2 hectares - accessory home industry. The Site and Surrounding land use is depicted within Figure 2. Gulf Excavating Ltd. is currently pursuing a Temporary Use Permit to accommodate the current operations described below.

2.2 Current Operations

The Site is currently home to the Gulf Excavating Ltd. since 2016. Operations for the Site described in sections below and depicted in Figure 3.

2.2.1 Quarry and Aggregate Operations

Gulf Excavating Ltd. quarries loose shale rock from the surface of the Site in several locations. Overburden removed in order to access the shale rock is stockpiled onsite. All quarrying is carried out with an excavator as the shale is brittle and is easily removed. Shale is loaded into trucks at the source on an as-needed basis for clients throughout the Pender Islands.

Aggregate sales also occur on an as-needed basis. One truck and pup brings in sand, drainage rock, and aggregate to the Site four to five times per week during operational hours. The sand and gravel are stored in the north quarry area.

2.2.2 Concrete Batch Plant Operations

Located in the middle of the Site is the concrete batch plant which consists of a concrete-paved pull-in bay area surrounded by concrete blocks. Gravel, sand, cement powder, and water are added to the concrete truck via a gravity-fed hopper. Cement powder is stored on pallets (maximum 15 pallets each holding 90-40 kg bags of cement powder) that are tarped to protect the product from environmental conditions. Two half tanks (settling tanks), along the north side of the concrete pull-in bay, hold water that is rinsed out from trucks after they return to the Site. That same water is then pumped up to be re-used when mixing the next batch of concrete.

Just southeast of the settling tanks is a sea container which is used to store equipment and an aboveground storage tank (AST) with a capacity of about 250 litres, which is used for holding waste oil. There is no power service to the area of the batch plant or sea container.

The owner has excavated two depressions/reservoirs: one to the immediate northeast of the concrete batch plant area and a second one west of the batch plant near the western property boundary. These reservoirs fill with ambient rain water and overland run-off, and are used to supply any additional water that is required for the concrete batch plant operation.

The batch plant is operated intermittently on an as-needed basis. The owner estimates that approximately 400 yards of concrete are produced per month. The number of concrete truck visits to the Site varies on demand. Smaller jobs can incur one to two concrete truck visits to the Site per day; whereas there can be up to 10 to 15 visits per day for a large job. Each concrete truck can haul between 8 to 10 yards of concrete. Operational hours are Monday through Saturday during the day. The owner noted there are periods of days or weeks when no concrete is even produced.

2.2.3 Office and work yard

In total, four concrete trucks, two excavators and a truck and pup are stored on the Site. Regular maintenance of the machinery and vehicles is not done at the Site; however, occasional emergency maintenance or repairs may be conducted which accounts for the presence of a waste oil tank.

3. ENVIRONMENTAL CONTEXT

Gulf Excavating Ltd. is committed to maintaining a high standard of care as an environmentally responsible company. Environmental due diligence shall be maintained through the following measures:

- **Competent workforce** – Gulf Excavating Ltd. will provide training and proper orientation regarding the environmental considerations of the applicable tasks.
- **Environmental responsibility** - Gulf Excavating Ltd. will comply with the requirements outlined within this EMP and applicable regulations.
- **Communication** - Gulf Excavating Ltd. will maintain proper communication procedures and reporting requirements as described within this EMP.
- **Prevention and Remedial Measures** - Gulf Excavating Ltd. will respond to non-conformances, accidents, and spills with the protocols and procedures outlined in this EMP, and verify and report accurately on related remedial procedures.

The following industry documents should be reviewed in conjunction with this EMP:

- “Aggregate Operators Best Management Practices Handbook for British Columbia”, BC Ministry of Energy and Mines, April 2002
- “Recommended Guideline for Environmental Management Practices for Canadian Ready Mixed Concrete Industry”, Canadian Ready-Mixed Concrete Association, May 2004

3.1 Regulatory and other Requirements

Protection of the soil, groundwater, surface water, and air quality in British Columbia are governed by the Ministry of Environment (ENV) under the authority of the Environmental Management Act (EMA) and its regulations and amendments. Site owners and operators are subject to environmental standards, operating protocols, and reporting requirements defined by, but not limited to, the following:

- **Contaminated Sites Regulation (CSR)** – defines numerical standards for soils, groundwater, surface water and vapours, materials management, and reporting;
- **Fisheries Act** – prohibits the deposition of any deleterious substances that have or could have the potential to affect waters frequented by fish in an adverse manner;
- **Waste Discharge Regulation (WDR)** – defines waste discharge authorization regulations for specific industries, trades, businesses, activities and operations;

- **Spill Reporting Regulation (SRR)** – prescribes the information that is required, as well as the time in which it is required, when reporting spills;
- **Hazardous Waste Regulation (HWR)** - provides standards to determine if material qualifies as Hazardous Waste based on toxicity equivalency (TEQ) and leachability; and
- **Water Sustainability Act (WSA)** – ensures a sustainable supply of fresh, clean water that meets the needs of BC residents.

Site operators or property owners may additionally be subject to environmental regulations through municipal/regional bylaws.

- **North Pender Island Local Trust (LTC)** – outlines bylaws, management plans, land use protection, and amendments specific to the Local Trust Area.

3.2 Sensitive Environmental Receptors

There are several sensitive ecosystem components that could be affected during operations, including wildlife, drinking water, freshwater aquatic life and water quality, soils, and other natural and aesthetic environmental attributes.

Young forest, herbaceous, and wetland ecosystems exist on the Site, and are home to wildlife. Vegetation in these areas may provide cover for small birds and mammals, provide dust mitigation, nesting materials, forage, nesting and denning sites, soil stabilization, and erosion and sediment control.

A creek which flows to Hope Bay is found approximately 175 m to the east of the Site.

The Site is situated atop a producing groundwater aquifer and groundwater is used for drinking water on Site.

3.3 Species at Risk

The BC Conservation Data Centre (CDC) maintains records of rare and endangered species and ecosystems in the province. These records are verified occurrences that have been mapped by the CDC. One BC red listed species¹ and one BC blue listed species² were noted in the area surrounding the site. The red listed species Dense-Spike Primrose (*Epilobium densiflorum*), was located within the site area. CDC data showed the area was first surveyed in July 1981 and the species was found along a roadside ditch. However, surveys in 2003 and

¹ BC Red Listed species Includes any indigenous species or subspecies that have, or are candidates for, Extirpated, Endangered, or Threatened status in British Columbia.

² BC Blue Listed Species Includes any indigenous species or subspecies considered to be of Special Concern (formerly Vulnerable) in British Columbia.

2004 failed to relocate the species (CDC 2016). Therefore, there is minimum potential for this species to be present on the site. The Northern Red-Legged Frog (*Rana aurora*) was also noted in the area surrounding the site and the wetland/swamp could serve as potential habitat for the Northern Red-Legged Frog. None of the species noted above were observed during the field assessment.

4. ROLES AND RESPONSIBILITIES

The **Supervisor, Superintendent or Site Foreman** will:

- Ensure adherence to best management practices and site specific strategies as documented within the EMP;
- Be responsible for proper handling and storage of chemicals and hazardous materials brought on or into the Site, including those brought on/in by subcontractors, which may be required to provide appropriate procedures for the items specific to their work/activities;
- Limit the amount of chemical / fuel materials brought onsite to just those needed;
- Ensure that hazardous chemicals and liquids are properly labeled, stored, and disposed of in accordance with the Safety Data Sheets (SDS); and
- Ensure proper training of employees in spill response and the safe use of hazardous chemicals for routine and non-routine tasks.

The **Health, Safety and/or Environmental (HSE) Representative or Designee** will:

- Maintain chemicals inventory list for products stored on-site;
- Complete weekly environmental monitoring checklist;
- Maintain the Safety Data Sheet book for chemicals stored/used on-site;
- Perform regular inventory audits of controlled products arriving to site.

Employees will:

- Handle chemicals and other potentially hazardous substances in an appropriate manner at all times;
- Report problems/issues/concerns regarding chemicals and/or chemical substances to their supervisor;
- Will receive required training as needed for their area or activity.

5. WATER MANAGEMENT

The following sections describe best management practices and site-specific strategies for managing both general surface water and water used in concrete production. It is imperative that water used in concrete production be isolated and not mixed with general storm water runoff from the Site in order to prevent the discharge of potentially harmful wastewaters into the receiving environment. Water used during concrete production, or any water that comes into contact with cement, fresh concrete or additives is to be minimized, collected / contained and treated / tested if discharge is required.

5.1 Water Used in Concrete Production

5.1.1 Water Sources

The following lists typical activities within the batch plant in which water is used in conjunction with concrete production:

- Mix water for batching concrete loads
- Wash water for plant housekeeping and truck cleanouts
- Dust suppression

In most cases, the source for concrete batch water will be recycled wash water which has been captured and stored within the plant settling tanks. In some cases, where additional water is required, on-site storm water collection ponds will be utilized. Generally, it should be the preferred practice of the plant operator to minimize the use of fresh water for concrete production.

Water for plant housekeeping and truck washouts is sourced from on-site storm water runoff collection ponds. Truck wash-outs take place within the concrete paved batching facility, such that all water from the washing is captured within the Site water reclamation system.

Dust suppression also uses the captured storm water.

The following best management practices describe methods for effective wastewater reduction:

- Minimize the need for exterior truck washing by controlling dust losses from the batching area;
- Train employees with regards to water use, ensuring that they understand the importance of controls and the possible impact to the environment and company liability;
- Limit or eliminate freshwater use by recycling processed water and using captured storm water runoff wherever possible;

- Reduce total water usage during drum washout by using multiple small rinses, rather than large volume single rinses;
- Consider the use of hydration stabilization admixtures;
- Consider dry washout procedures;

5.1.2 Water Collection / Containment

Water is collected within the concrete paved batching area through grading and conveyance to the water reclamation tanks described in Section 1.2.2 and Figure 3. In general, the following best management practices shall be considered with regards to water collection:

- All paved surfaces within the batching area should be curbed and graded to allow for effective capture and collection of wastewater;
- Any surface water not related to concrete production should be directed away from wastewater collection areas;
- Equipment and vehicular traffic should be minimized through batching area where wastewater may be present;
- Sufficient capacity must be provided for wastewater holding tanks / basins;
- Wastewater holding tanks / basin shall be impermeable;
- Sufficient secondary containment (i.e., berms) shall be provided to capture any overflow from wastewater holding facilities.
- Any breaches in containment facilities that cause release of wastewater to the environment shall be considered a spill incident and spill response measures, described in Section 6, shall be followed.

5.2 Storm Water Runoff

5.2.1 Catchment Area

The Site is located within a large rainwater catchment area that includes neighbouring industrial properties to the west. Runoff from neighbouring properties passes through the Site before entering the municipal ditching network along Bedwell Harbour Road, the unnamed creek approximately 175m east of Site and ultimately the ocean at Hope Bay.

5.2.2 *Best Management Practices*

General storm water runoff from the Site and surrounding area should not enter the batching plant under any circumstances in order to reduce the overall volume of water considered to be wastewater through contact with cementitious products. Currently, storm water diversion is achieved through Site grading and a system of ditching and storm water retention ponds. Storm water that is conveyed through operational areas of the Site is captured within basins where passive oil skimmers have been placed in order to capture any chance hydrocarbons.

With regards to site drainage, erosion control and the operations of Gulf Excavating, the following best management practices should be considered during operations at the Site:

- Encourage surface water to seep into the soil naturally;
- Preserve natural vegetation where possible;
- If possible, retain woody debris and organic matter on-site as mulch;
- Roughen or terrace slopes to prevent erosion. Limit slope steepness and length to reduce runoff velocity;
- Cover soil stockpiles and bare slopes with mulch, tarps, etc;
- Re-vegetate or landscape disturbed areas of the Site as soon as possible. If areas of the Site must be left disturbed during the rainy seasons, sow a temporary cover crop, apply mulch or lay geotextile to stabilize exposed soils;
- Keep machinery within specific access areas. Limit the extent of machine access areas to the minimum necessary to conduct operations in a feasible and practical manner;
- Control disposal or runoff of water containing suspended materials or other harmful substances in accordance with federal, provincial and municipal requirements;
- If it is not possible to isolate and divert flowing water from a work area (due to water depth and volume) isolate works with a structure (e.g., silt curtain, sand bags, earthen berm, etc.) to keep silty water from leaving the Site;
- Avoid clearing vegetation from work zones during snowmelt or heavy rains; and
- Isolate work / excavation areas from all flowing water;
- Inspect all silt fences and other controls (i.e., catch basin inserts, stop logs) on a daily basis prior to the start of work and correct deficiencies immediately. Pay special attention in areas where construction activities have changed natural contours or drainage patterns to ensure that controls are properly located for effectiveness. Where

deficiencies exist, install additional silt fences or other controls as needed. Should silt fence become damaged or otherwise ineffective (e.g. gaps underneath, broken stakes/sagging material, accumulated sediments), while barrier is still necessary, repair or replace promptly.

5.3 Water Treatment

Water discharging from the Site is generally segregated from batch plant operations; therefore, it is within acceptable levels for pH. Field measurements made by IEL in winter and summer of 2019 confirmed that pH levels within storm water retention facilities were within the range of safety for freshwater systems (pH < 9). Detention time provided within the retention pond system provides stormwater runoff with the opportunity for suspended solids to settle, prior to flowing offsite within the natural drainage course or infiltrating into the ground.

Should wastewater from the batching operations overflow and reach the storm water detention system, treatment in the form of carbon dioxide injection shall be required and testing performed in order to verify water quality prior to release. Discharge permitting from the Islands Trust may be required prior to discharging any treated water into the municipal ditch system along Bedwell Harbour Road. The following ranges are proposed as interim water quality guidelines for the Site and were developed from the British Columbia Approved Water Quality Guidelines:

Parameter	Recommendation
pH	6.5 - 9
NTU (Turbidity)	Exceeds background by 8 NTU

6. CHEMICAL AND PETROLEUM HYDROCARBON MANAGEMENT

6.1 Chemical and Petroleum Hydrocarbon Sources

The following table outlines the chemical sources at the Site:

Item	Location
Delvo Citric Acid	Batch Plant storage shelter

Item	Location
Master Polyheed N – calcium chloride	Batch Plant storage shelter
Master Rheobuild-1000 – Naphthalenesulphonate	Batch Plant storage shelter
Nuto H68 – hydraulic fluid	Seacan
Waste Oil	Seacan
Gasoline / Diesel	Tidy tanks & within equipment

A log of hazardous materials stored or used on-site should be kept and updated as new materials enter the Site. Safety Data Sheets (SDS) for each chemical shall be kept on-site and made available to staff.

6.2 Storage and Handling

As noted in Section 5.1, storage of chemicals and fuel is provided within three separate areas.

- Concrete additives are currently stored within manufacturer containers within a covered, plastic sheet-lined secondary containment structure at the top of the batch plant.
- Mechanical fluids (oils / waste oils) are stored within a transportation seacan with a welded lip at the entrance, which provides secondary containment to small jugs of hydraulic fluid within. Waste oil is stored within an above ground storage tank within a separate plastic sheet-lined cell within the seacan.
- Fuel is stored within fuel tanks and tidy tanks aboard various vehicles and equipment throughout the Site. There is no bulk fuel storage on Site.

The following list provides best management practices to be considered with regards to chemical and fuel storage at the Site:

- Locate storage facilities away from high traffic areas, with reasonable protection from vehicle / equipment damage;

- Provide storage areas with a means (i.e., lock and key) to control access to the materials so that only authorized (e.g., trained) personnel may remove and use the materials;
- Ensure tanks are corrosion-resistant and stable / anchored securely on a flat surface;
- If possible, store drums and pails of related products in same area;
- Ensure all materials are properly labelled and remain in original containers with lid intact for as long as reasonable for Site operations;
- Protect liquids from freezing, where applicable;
- Provide minimum 120% secondary containment for all volumes of liquid stored;
- Provide with a means of segregating combustible and flammable materials from oxidizing agents and other sources of ignition (i.e., away from sparks and/or with physically separated storage areas)
- Provide with a means of preventing water reactive and pyrophoric materials from coming in contact with accumulated water (i.e., roofed enclosures)
- Provide emergency spill kits/supplies within the storage area, including fire extinguishers, non-sparking shovels, sand bags, etc.

6.3 Disposal

The final disposition of chemicals and fuels/oils not used during the course of the Site operations should be considered prior to the ordering of the materials. Source reduction through accurate inventory control (e.g., purchasing only the amount of material needed for the task(s) and using up all that is purchased) will eliminate the need to address final disposition as well as the costs and potential liabilities associated with it. Good housekeeping practices both in storage and use also go a long way toward minimizing waste generated from hazardous materials. It is critical that all workers understand the significant costs and potential liabilities associated with disposal of hazardous wastes and the importance of managing hazardous materials so as to reduce waste generation.

If source reduction is not feasible, opportunities to return unused materials to the manufacturer either directly or through the subcontractor who used the materials will be investigated. Other opportunities for reuse of left over materials, such as aftermarket clearinghouses and trading forums, may also be an option.

7. SPILL RESPONSE AND PREVENTION

Generally, large volumes of chemicals in liquid form will not be encountered at the Site. The most likely form of spill impact will be from overfilling of fuel or some form of tank leakage. Through proper planning, Site management and housekeeping, the frequency and severity of a spill can be minimized. When a spill occurs, the provincial and federal agencies that administer the applicable legislation will hold the discharger responsible for the incident. The discharger is responsible to report the release, contain and clean up the product, and restore the site to the pre-discharge condition. The following table outlines reportable levels for spill quantities according to the EMA:

Material	Reportable Quantity
Class 1, Explosives as defined in section 2.9 of the Federal Regulations	Any quantity that could pose a danger to public safety or 50 kg
Class 2.1, Flammable Gases, other than natural gas, as defined in section 2.14 (a) of the Federal Regulations	10 kg
Class 2.2 Non-Flammable and Non-Toxic Gases as defined in section 2.14 (b) of the Federal Regulations	10 kg
Class 2.3, Toxic Gases as defined in section 2.14 (c) of the Federal Regulations	5 kg
Class 3, Flammable Liquids as defined in section 2.18 of the Federal Regulations	100 L
Class 4, Flammable Solids as defined in section 2.20 of the Federal Regulations	25 kg
Class 5.1, Oxidizing Substances as defined in section 2.24 (a) of the Federal Regulations	50 kg or 50 L
Class 5.2, Organic Peroxides as defined in section 2.24 (b) of the Federal Regulations	1 kg or 1 L

Material	Reportable Quantity
Class 6.1, Toxic Substances as defined in section 2.27 (a) of the Federal Regulations	5 kg or 5 L
Class 6.2, Infectious Substances as defined in section 2.27 (b) of the Federal Regulations	1 kg or 1 L, or less if the waste poses a danger to public safety or the environment
Class 7, Radioactive Materials as defined in section 2.37 of the Federal Regulations	Any quantity that could pose a danger to public safety and an emission level greater than the emission level established in section 20 of the "Packaging and Transport of Nuclear Substances Regulations"
Class 8, Corrosives as defined in section 2.40 of the Federal Regulations	5 kg or 5 L
Class 9, Miscellaneous Products, Substances or Organisms as defined in section 2.43 of the Federal Regulations	25 kg or 25 L
Waste containing dioxin as defined in section 1 of the Hazardous Waste Regulation	1 kg or 1 L, or less if the waste poses a danger to public safety or the environment
Leachable toxic waste as defined in section 1 of the Hazardous Waste Regulation	25 kg or 25 L
Waste containing polycyclic aromatic hydrocarbons as defined in section 1 of the hazardous Waste Regulation	5 kg or 5 L
Waste asbestos as defined in section 1 of the Hazardous Waste Regulation	50 kg
Waste oil as defined in section 1 of the Hazardous Waste Regulation	100 L

Material	Reportable Quantity
Waste containing a pest control product as defined in section 1 of the Hazardous Waste Regulation	5 kg or 5 L
PCB Wastes as defined in section 1 of the Hazardous Waste Regulation	25 kg or 25 L
Waste containing tetrachloroethylene as defined in section 1 of the Hazardous Waste Regulation	50 kg or 50 L
Biomedical waste as defined in section 1 of the Hazardous Waste Regulation	1 kg or 1 L, or less if the waste poses a danger to public safety or the environment
A hazardous waste as defined in section 1 of the Hazardous Waste Regulation and not covered under items 1 – 22	25 kg or 25 L
A substance, not covered by items 1 to 23, that can cause pollution	200 kg or 200 L
Natural gas	10 kg, if there is a breakage in a pipeline or fitting operated above 100 psi that results in a sudden and uncontrolled release of natural gas

7.1 Spill Response

In the event of an accidental spill or equipment malfunction resulting in a spill, the following outlines the steps to be taken to minimize the potential impact:

Spill Response Steps

1. ENSURE SAFETY
2. STOP THE FLOW (when possible)
3. SECURE THE AREA

4. CONTAIN THE SPILL

5. NOTIFY/REPORT

6. CLEAN-UP

(Circumstances may dictate another sequence of events)

1. ENSURE SAFETY

- Ensure Personal, Public and Environmental Safety
- Wear appropriate Personal Protective Equipment (PPE)
- Never rush in, always determine the product spilled before taking action
- Warn people in immediate vicinity to stay clear or evacuate
- Ensure no ignition sources if spill is of a flammable material

2. STOP THE FLOW (when possible)

- Act quickly to reduce the risk of environmental impacts
- Close valves, shut off pumps or plug holes/leaks, set containers upright
- Stop the flow of the spill at its source

3. SECURE THE AREA

- Limit access to spill area
- Prevent unauthorized entry onto site

4. CONTAIN THE SPILL

- Block off and protect drains and culverts
- Prevent spilled material from entering drainage structures (ditches, culverts, drains)
- Use spill sorbent material to contain spill
- If necessary, use a dike, berm or any other method to prevent any discharge off site

- Make every effort to minimize contamination
- Contain as close to the source as possible

5. NOTIFY/REPORT

Notify appropriate Site Supervisor and Owner, or alternate of incident (provide spill details)

- When necessary the first external call should be made to the Provincial Emergency Program (PEP) 1-800-663-3456 (24 hours)
- Provide necessary spill details to other external agencies (to be done by Owner where applicable)

The spill report (see attached template in Appendix A) should include the following information:

- Name and phone number of person reporting the spill
- Name and phone number of person involved with the spill and/or owner of the spilled substance if known
- Location and time of the spill
- Type and quantity of material spilled
- Cause and effect of spill
- Details of action taken or proposed to contain the spill and minimize its effect
- Names of other persons or agencies advised

PEP will provide a file reference number for future use, especially if an End of Spill Report is required. PEP will notify other provincial, federal and municipal agencies. Records should be maintained for all conversations or documents produced for regulatory review.

In the event of an emergency where it is important for quick and clear communication to minimize potential impacts to workers, the public, property and the environment in emergency situations, the phone numbers of key emergency responders are provided below:

Authority	Phone Number
Emergency Services	911
Shift Supervisor	TBD
Facility Manager	TBD
Oil Spill Hotline	1-800-663-3456
Poison Control Centre	1-800-567-8911
Lady Minto Hospital (Salt Spring Island)	1-250-538-4800
Emergency Operation Centre (Pender Islands)	1-250-629-8357
Non- Emergency Fire Hall #1	1-250-629-3321

7.2 Spill Response Equipment

A standard spill kit shall be kept onsite, within the batch plant area at all times. Additional vehicle spill kits should be kept within vehicles onsite.

Standard spill kits (plastic drums with wheels, usually yellow in colour) and vehicle/machinery (portable) kits shall be inventoried and restocked regularly and upon identification of a kit that has been opened in the course of containing or cleaning up a spill (person using materials notifies the Superintendent, who requisitions supplies as needed). Inventories include a full count of contents, in comparison to minimum contents lists developed for each type of kit in use. The following lists minimum contents for each type of spill kit:

Standard Spill Kit	
Quantity	Item
1 Bail	Oil absorbent booms (5" x 10', four booms per bail)

Standard Spill Kit	
1 Bail	Oil absorbent pads (17"x19", 200 pads per bail)
4	Large disposal bags (38"x60")
2 Pairs	Rubber or nitrile gloves
1	Epoxy plug compound (patty or tube)
1 bag	Absorbent bentonite ("kitty litter"; 20 kg/bag)
1	Roll caution tape
1	Oil / Fuel Spill Emergency Action Plan
1	List of spill kit contents (aids in inventory & re-stocking)

Vehicle Spill Kit	
Quantity	Item
50	Oil absorbent pads (17"x19")
1	Large disposal bag (38"x60")
1 Pair	Rubber or nitrile gloves
1	Epoxy plug compound (patty or tube)
1	Roll caution tape
1	Oil / Fuel Spill Emergency Action Plan

7.3 Spill Prevention

The following best management practices will be implemented to prevent accidental spills:

- Equipment is to be inspected daily to ensure that it is leak-free and functioning as intended. All fuel/oil caps will be manually checked to ensure that they are tightened down.

Equipment will be tagged out of service if found to be leaking. Servicing of equipment that is absolutely necessary on-site is to be done within containment areas (i.e., bermed or otherwise isolated) or at an appropriate work yard operated by the contractor or his supplier;

- Equipment or machinery found to be leaking will have containment trays/buckets placed under drips/leaks that cannot be stopped (e.g., cannot be drained into an appropriate container), will have absorbent pads wrapped around leaky connections or placed under areas where a tray or bucket cannot be fitted, etc.). The person identifying the malfunction or accidental leak will notify the foreman or site supervisor, who will arrange repairs or transport off-site, and/or mechanic, if on site.
- All workers/operators will be responsible for cleaning up observed leaks and/or wiping down equipment, even if the leak or spill is non-reportable.
- Grease and oil required for maintenance will be properly applied. Excess will be cleaned up and disposed of in an environmentally appropriate manner, as will all containers, lids, and contaminated cloths and applicators.
- During fuelling of larger compressors, light plants, etc., a portable drip tray lined with absorbent pads will be placed under the fuel tube and cap area. Absorbent pads will be used to wipe off any drips on the fuel spigot or side of equipment.
- Jerry cans will be stored within a sealed tool box tray with lid or other suitable storage locker with ventilation, and placed in a containment tray when outside of the storage container.
- When heavy machinery is not in use (i.e., overnight, weekends, or idle for the day), a portable drip tray will be placed under the main engine compartment.
- Fire extinguishers and other emergency response equipment and supplies will be kept in known and visible locations and access to them will not be blocked by other materials or equipment. A list of emergency contacts will be posted at predetermined, accessible and visible locations, as well as kept with the emergency response equipment. By law, fire extinguishers are routinely inspected and certified, as is other fire-suppressant equipment and materials.
- Waste oil or materials will be removed from site as soon as possible in accordance with Transportation of Dangerous Goods requirements and the BC Special Waste Regulations.
- The Emergency Spill Response Plan will be implemented when required.
- The Emergency Spill Response Plan will be posted on-site, and all personnel made aware of its content and location of response materials, as well as emergency contact names and numbers.
- Oil spill response materials and equipment, such as absorbent pads, booms and leak proof

containers, will be kept on-site in sufficient quantities and in an easily accessible location to contain and clean up the amount of fuel, oil or other petroleum hydrocarbons used/stored on site.

8. MONITORING AND REPORTING

8.1 Environmental Consultant

Upon adoption of the EMP, it is recommended that monitoring be carried out by IEL, in order to document the adherence to the EMP. Specifically, it is recommended that Site inspections during wet season are carried out in order to provide documentation of EMP practices during wet Site conditions. For due diligence purposes, Gulf Excavating Ltd. may also consider annual Site inspections.

8.2 Gulf Excavating Ltd.

A Site inspection checklist is included within Appendix B. It is recommended that Gulf Excavating Ltd. document Site conditions weekly with this checklist in order to track / verify environmental conditions at the Site.

9. PLAN EVALUATION AND UPDATES

This EMP is intended to be a living document, with regular revisions and updates. These changes shall take place at a minimum annually. Potential changes include but are not limited to the following:

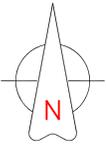
- Relevant legislation or policy;
- Best industry practices;
- Project scope;
- Procedures based on post-incident evaluation; and,
- New hazardous materials that are brought to the Site.

Updates or revisions to the Plan shall be logged and signed off by the Onsite Manager. The new information shall be highlighted and all relevant Site personnel shall be briefed on the changes to the Plan. A detailed procedure of record keeping will be initialized to capture all training sessions, plan changes/updates, and environmental/emergency incidents and will be regularly audited.

10. LIMITATIONS

This report has been prepared by Islander Engineering Ltd. exclusively for Gulf Excavating Ltd. This report has been jointly prepared by IEL and Gulf Excavating Ltd., based upon fieldwork conducted by IEL. In performing this work, IEL has relied in good faith upon the information provided by others and has assumed that the information provided by those individuals is both complete and accurate. This work was performed to current industry standard practice for similar environmental work. The findings presented herein should be considered within the context of the scope of work and project terms of reference; further, the findings are time sensitive and are considered valid only at the time the Report was produced. The conclusions and recommendations contained in this Report are based upon the applicable guidelines, regulations, and legislation existing at the time the Report was produced; any changes in the regulatory regime may alter the conclusions and/or recommendations.

Any use which the client or a third party, other than those specifically listed above, makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such parties. IEL accepts no responsibility for damages, if any, suffered by third parties as a result of business decisions made or actions based on this report.



MAP LOCATION



LOCATION PLAN

REFERENCE: GOOGLE MAPS

SCALE: N.T.S.

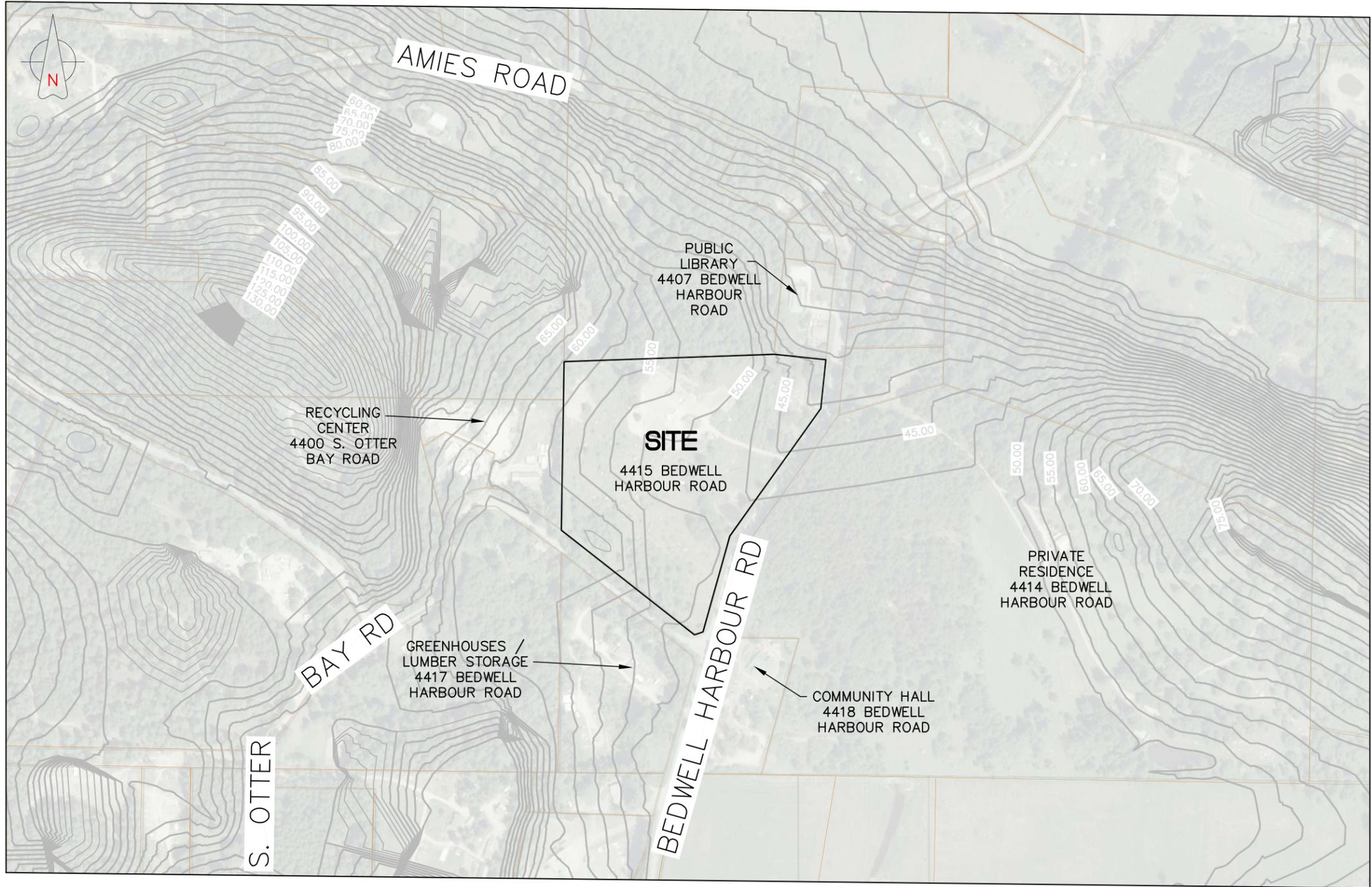
GULF EXCAVATING LTD.



ISLANDER
ENGINEERING
www.islanderengineering.com

LOCATION PLAN
4415 BEDWELL HARBOUR ROAD

date: DEC 04 2018	scale: N.T.S.
drawn: SB	checked: LL
file: 2181	
drawing no: FIGURE 1	issue: 100



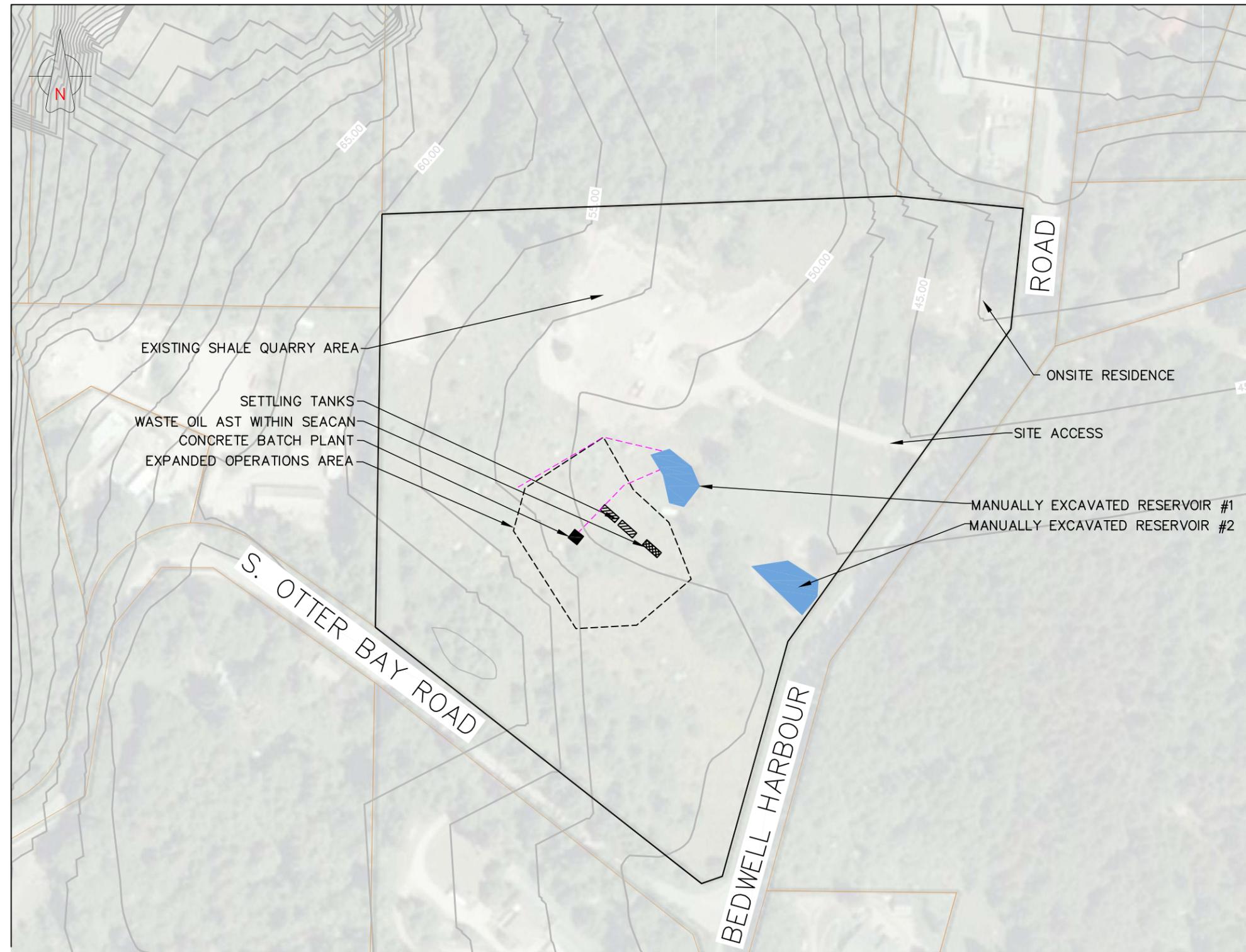
LEGEND

— APPROXIMATE LEGAL LOT LINE

REFERENCE: CVRD WEBMAP



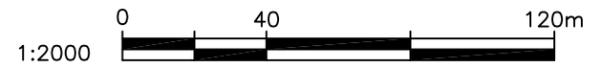
 ISLANDER ENGINEERING www.islanderengineering.com	
CLIENT NAME: GULF EXCAVATING LTD.	PROJECT LOCATION: PENDER ISLAND, BC
TITLE: SURROUNDING LAND USE PLAN 4415 BEDWELL HARBOUR ROAD	
DWN BY: SB	DWG NAME: 2181
DATE: 2018-12-04	CADFILE: 2181
CHK'D: LL	PLOT:



- LEGEND**
- APPROXIMATE LEGAL LOT LINE
 - ◆ CONCRETE BATCH PLANT
 - MANUALLY EXCAVATED RESERVOIR
 - ▨ SETTLING TANK
 - ▩ SEACAN
 - - - EXISTING DRAINAGE DITCHING

NOTE: LOCATIONS DETAILED WITHIN FIGURE ARE APPROXIMATE

REFERENCE: CRD WEBMAP



 ISLANDER ENGINEERING www.islanderengineering.com		CLIENT NAME: GULF EXCAVATING LTD.	PROJECT LOCATION: PENDER ISLAND, BC
		TITLE: SITE FIGURE 4415 BEDWELL HARBOUR ROAD	
DWN BY: SB	DWG NAME: 2181	DATE: 2018-12-31	FIGURE 3 102
CHK'D: LL	PLOT:	CADFILE: 2181	

APPENDIX A – SPILL REPORTING FORM

SPILL REPORT FORM

Pursuant to the *Spill Reporting Regulation* of the Environmental Management Act ALL non-authorized releases or discharges of contaminants to the marine environment, OR 100L or more of flammable liquid discharged on land, must be reported to one or more of the following immediately:

Provincial Emergency Program (PEP)	1-800-663-3456 (24 hour)
Environment Canada	1-604-666-6100 (24 hour)
Canadian Coast Guard	1-800-889-8852 (24 hour)

Note: If you are in doubt regarding spill size, affected environment, material involved and/or whether it is reportable, err on the side of caution and report the spill.

Particulars of the Spill:

1. Name of PEP Officer

Telephone:

2. Name of company causing spill:

Telephone:

3. Location of spill:

4. Date/Time of spill:

5. Substance spilled:

6. Quantity (L/Kg)

7. Cause and effect of spill:

8. Measures taken to stop/contain/minimize spill:

9. Description of spill location and surrounding area:

10. Further action required:

11. Agencies on Site:

12. Others notified of spill:

13. Date:

14. Report completed by:

SPILL RESPONSE PROCEDURE

1. ENSURE SAFETY

2. STOP THE FLOW (when possible)

3. SECURE THE AREA

4. CONTAIN THE SPILL

5. NOTIFY/REPORT

6. CLEAN-UP

7. SPILL REPORT

1. ENSURE SAFETY

- Ensure Personal, Public and Environmental Safety
- Wear appropriate Personal Protective Equipment (PPE)
- Never rush in, always determine the product spilled before taking action
- Warn people in immediate vicinity to stay clear or evacuate
- Ensure no ignition sources if spill is of a flammable material

2. STOP THE FLOW (when possible)

- Act quickly to reduce the risk of environmental impacts
- Close valves, shut off pumps or plug holes/leaks, set containers upright
- Stop the flow of the spill at its source

3. SECURE THE AREA

- Limit access to spill area
- Prevent unauthorized entry onto site

4. CONTAIN THE SPILL

- Block off and protect drains and culverts
- Prevent spilled material from entering drainage structures (ditches, culverts, drains)
- Use spill sorbent material to contain spill
- If necessary, use a dike, berm or any other method to prevent any discharge off site
- Make every effort to minimize contamination

- Contain as close to the source as possible

5. NOTIFY/REPORT

- Notify appropriate Site Supervisor and Owner, or alternate of incident (provide spill details)
- When necessary the first external call should be made to the Environmental Emergency Program (EEP) 1-800-663-3456 (24 hours)
- Provide necessary spill details to other external agencies (to be done by Owner where applicable)

The spill report should include the following information:

- Name and phone number of person reporting the spill
- Name and phone number of person involved with the spill and/or owner of the spilled substance if known
- Location and time of the spill
- Type and quantity of material spilled
- Cause and effect of spill
- Details of action taken or proposed to contain the spill and minimize its effect
- Names of other persons or agencies advised

6. CLEAN-UP

- Technical assistance is available from the Environmental Consultant/Monitor, who will consult with other experts on as-needed basis, on clean-up procedures and residue sampling. Mitigation and clean up measures will be forwarded to the Owner for review.
- All equipment and material used in clean-up (e.g., used sorbents, oil containment materials etc.) must be disposed of in accordance with provincial and/or federal requirements. The Environmental Monitor will assist in compliance with the applicable regulations.
- Accidental spills may produce hazardous wastes (e.g., material with > 3% oil or 2 ppm of PCB) and contaminated soil. All waste disposals must comply with the B.C. Hazardous Waste Regulations and the Waste Management Act. The Environmental Monitor will assist in compliance with such regulations.

Contaminated soil must be treated and dealt with as required on a site-specific basis, and must comply with the requirements of the B.C. Contaminated Sites Regulations.

7. SPILL REPORTING

- The spill report should include the following information:

Gulf Excavating LTD

- Name and phone number of person reporting the spill
- Name and phone number of person involved with the spill
- Location and time of the spill
- Type and quantity of material spilled
- Cause and effect of spill
- Details of action taken or proposed to contain the spill and minimize its effect
- Names of other persons or agencies advised
- Photographs of spill and its location

APPENDIX B – ENVIRONMENTAL MONITORING CHECKLIST

Environmental Monitoring Checklist/Report

Report Number:		Location (i.e. Facilities, Nearest Community):			
Date:	Time:				
Monitor Name:		Signature:			
Meetings:					
Meeting Participants:					
Contractor(s) On Site:		Name of Representative Present:			
		Ground Conditions: <input type="checkbox"/> Dry <input type="checkbox"/> Wet <input type="checkbox"/> Saturated <input type="checkbox"/> Other:			
Weather Conditions (Cloud Cover, Wind [Beaufort Wind Scale], Precipitation, Temperature):					
Site Activities:					Photos
Equipment Being Used Onsite:					Photos
Environmental Site Conditions (NC=Non-Compliant, NA=Not Applicable):					
Housekeeping	OK	NC	NA	Comments & Mitigation	Photos
Batch Plant Area					
Shale Quarry					
Aggregate Storage					
Other					
Water Quality Readings:	OK	NC	NA	Comments & Mitigation	Photos
Turbidity NTU: _____					
pH: _____					
Sediment tank level: %					
Reservoir #1: %					
Reservoir #2: %					
Other:					

Environmental Monitoring Checklist/Report

Erosion & Sediment Control:	OK	NC	NA	Comments & Mitigation	Photos						
Silt Fencing											
Bank Stabilization											
Soil Stockpiles											
Drainage & Diversions											
Detention Facilities											
Other											
Fuel & Oil Management:	OK	NC	NA	Comments & Mitigation	Photos						
Spill Kits/SPER Plan											
Fuel Storage											
Other											
Equipment:	OK	NC	NA	Comments & Mitigation	Photos						
Condition (e.g. Mud, Seeds)											
Other											
Waste Management:	OK	NC	NA	Comments & Mitigation	Photos						
Sanitary Facilities											
Solid Waste & Recycling											
Special Waste & Hazardous Materials											
Other											
Atmosphere:	OK	NC	NA	Comments & Mitigation	Photos						
Dust											
Air Quality											
Other											
Wildlife/Vegetation Management:	OK	NC	NA	Comments & Mitigation	Photos						
Invasive Plants											
Wildlife Sightings	yes	no	n/a	list below							
Other											
General Observations & Comments (E.G. Wildlife, New Environmentally Sensitive Features Identified):					Photos						
Other Comments:					Photos						
Upcoming Construction Activities:											
Incident Report Required? <input type="checkbox"/> Y <input type="checkbox"/> N											

Environmental Monitoring Checklist/Report

Soil and Water Management						
Water Management						
Water Pumping Area (Origin)	Daily flow volume	Max Flow rate	Discharge Location / Notes			
Materials Shipped Off Site						
Type of Material <small>(ie. soil, asphalt, concrete, water etc.)</small>	Quantity	Units (m ³ , tonnes, yards)	# of Loads	Receiver	Soil Classification <small>(ie. RL-, RL+, IL+, etc)</small>	
Materials Imported to Site						
Type of Material	Quantity	Units (m ³ , tonnes, yards)	# of loads	Analytical Data (Y/N?)	Supplier	Intended Use Onsite
Comments						

Environmental Monitoring Checklist/Report

PHOTOGRAPHS:

Report Number:	Monitor:	Date:
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Photo # 01:	Photo # 02:
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Photo # 03:	Photo # 04:
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NP-TUP-2018.5 (Grimmer) – Checklist for Compliance with Environmental Management Plan (Islander Engineering, October 2019)

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
ENVIRONMENTAL MGMT ACT		
- Contaminated Sites Regulation		
- Fisheries Act		
- Waste Discharge Act		
- Spill Reporting Regulation		
- Hazardous Waste Regulation		
- Water Sustainability Act		
ASSIGNMENT OF ROLES & RESPONSIBILITIES (p.5)		
- Supervisor		
- Health, Safety & Environmental Representative		
- All Employees		

5. WATER MANAGEMENT		
5.1.1 Wastewater Reduction (BMP):		
- Minimize the need for exterior truck washing by controlling dust losses from the batching area;		
- Train employees with regards to water use, ensuring that they understand the importance of controls and the possible impact to the environment and company liability;		
- Limit or eliminate freshwater use by recycling processed water and using captured storm water runoff wherever possible; Reduce total water usage during drum washout by using multiple small rinses, rather than large volume single rinses;		
- Consider the use of hydration stabilization admixtures;		
- Consider dry washout procedures;		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
5.1.2 Water Collection/Containment (p.9)		
- All paved surfaces within the batching area should be curbed and graded to allow for effective capture and collection of wastewater;		
- Any surface water not related to concrete production should be directed away from wastewater collection areas;		
- Equipment and vehicular traffic should be minimized through batching area where wastewater may be present;		
- Sufficient capacity must be provided for wastewater holding tanks / basins;		
- Wastewater holding tanks / basin shall be impermeable;		
- Sufficient secondary containment (i.e., berms) shall be provided to capture any overflow from wastewater holding facilities.		
- Any breaches in containment facilities that cause release of wastewater to the environment shall be considered a spill incident and spill response measures, described in Section 6, shall be followed.		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
5.2. Storm Water Runoff		
5.2.2 BMP:		
- Encourage surface water to seep into the soil naturally;		
- Preserve natural vegetation where possible;		
- If possible, retain woody debris and organic matter on-site as mulch;		
- Roughen or terrace slopes to prevent erosion. Limit slope steepness and length to reduce runoff velocity;		
- Cover soil stockpiles and bare slopes with mulch, tarps, etc;		
- Re-vegetate or landscape disturbed areas of the Site as soon as possible. If areas of the Site must be left disturbed during the rainy seasons, sow a temporary cover crop,		
- apply mulch or lay geotextile to stabilize exposed soils;		
- Keep machinery within specific access areas. Limit the extent of machine access areas to the minimum necessary to conduct operations in a feasible and practical manner;		
- Control disposal or runoff of water containing suspended materials or other harmful substances in accordance with federal, provincial and municipal requirements;		
- If it is not possible to isolate and divert flowing water from a work area (due to water depth and volume) isolate works with a structure (e.g., silt curtain, sand bags, earthen berm, etc.) to keep silty water from leaving the Site;		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Avoid clearing vegetation from work zones during snowmelt or heavy rains;		
- Isolate work / excavation areas from all flowing water;		
- Inspect all silt fences and other controls (i.e., catch basin inserts, stop logs) on a daily basis prior to the start of work and correct deficiencies immediately. Pay special attention in areas where construction activities have changed natural contours or drainage patterns to ensure that controls are properly located for effectiveness		
5.3 Water Treatment		
- Protocol in place for overflow incidents		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
6. CHEMICAL AND PETROLEUM HYDROCARBON MANGEMENT		
6.2 Storage and Handling		
<ul style="list-style-type: none"> - Concrete additives are currently stored within manufacturer containers within a covered, plastic sheet-lined secondary containment structure at the top of the batch plant. 		
<ul style="list-style-type: none"> - Mechanical fluids (oils / waste oils) are stored within a transportation seacan with a welded lip at the entrance, which provides secondary containment to small jugs of hydraulic fluid within. Waste oil is stored within an above ground storage tank within a separate plastic sheet-lined cell within the seacan. 		
<ul style="list-style-type: none"> - Fuel is stored within fuel tanks and tidy tanks aboard various vehicles and equipment throughout the Site. There is no bulk fuel storage on Site 		
Best Management Practices		
<ul style="list-style-type: none"> - Locate storage facilities away from high traffic areas, with reasonable protection from vehicle / equipment damage; 		
<ul style="list-style-type: none"> - Provide storage areas with a means (i.e., lock and key) to control access to the materials so that only authorized (e.g., trained) personnel may remove and use the materials; 		
<ul style="list-style-type: none"> - Ensure tanks are corrosion-resistant and stable / anchored securely on a flat surface; 		
<ul style="list-style-type: none"> - If possible, store drums and pails of related products in same area; 		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Ensure all materials are properly labelled and remain in original containers with lid intact for as long as reasonable for Site operations;		
- Protect liquids from freezing, where applicable;		
- Provide minimum 120% secondary containment for all volumes of liquid stored;		
- Provide with a means of segregating combustible and flammable materials from oxidizing agents and other sources of ignition (i.e., away from sparks and/or with physically separated storage areas)		
- Provide with a means of preventing water reactive and pyrophoric materials from coming in contact with accumulated water (i.e., roofed enclosures)		
- Provide emergency spill kits/supplies within the storage area, including fire extinguishers, non-sparking shovels, sand bags, etc.		
6.3 Disposal		
- Source reduction procedure in place		
- Returns procedure in place		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
7. SPILL RESPONSE AND PREVENTION		
7.1 Spill Response		
- Spill Response Steps reviewed by all staff (pp. 14 -16)		
- Spill Response Steps posted in appropriate areas		
7.2 Spill Response Equipment		
- Standard Spill Kit		
- Vehicle Spill Kit		
7.3 Spill Prevention (BMP)		
<ul style="list-style-type: none"> - Equipment is to be inspected daily to ensure that it is leak-free and functioning as intended. All fuel/oil caps will be manually checked to ensure that they are tightened down. Equipment will be tagged out of service if found to be leaking. Servicing of equipment that is absolutely necessary on-site is to be done within containment areas (i.e., bermed or otherwise isolated) or at an appropriate work yard operated by the contractor or his supplier; 		
<ul style="list-style-type: none"> - Equipment or machinery found to be leaking will have containment trays/buckets placed under drips/leaks that cannot be stopped (e.g., cannot be drained into an appropriate container), will have absorbent pads wrapped around leaky connections or placed under areas where a tray or bucket cannot be fitted, etc.). The person identifying the malfunction or accidental leak will notify the foreman or site supervisor, who will arrange repairs or transport off-site, and/or mechanic, if on site. 		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<ul style="list-style-type: none"> - All workers/operators will be responsible for cleaning up observed leaks and/or wiping down equipment, even if the leak or spill is non-reportable. 		
<ul style="list-style-type: none"> - Grease and oil required for maintenance will be properly applied. Excess will be cleaned up and disposed of in an environmentally appropriate manner, as will all containers, lids, and contaminated cloths and applicators. 		
<ul style="list-style-type: none"> - During fuelling of larger compressors, light plants, etc., a portable drip tray lined with absorbent pads will be placed under the fuel tube and cap area. Absorbent pads will be used to wipe off any drips on the fuel spigot or side of equipment. 		
<ul style="list-style-type: none"> - Jerry cans will be stored within a sealed tool box tray with lid or other suitable storage locker with ventilation, and placed in a containment tray when outside of the storage container. 		
<ul style="list-style-type: none"> - When heavy machinery is not in use (i.e., overnight, weekends, or idle for the day), a portable drip tray will be placed under the main engine compartment. 		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<ul style="list-style-type: none"> - Fire extinguishers and other emergency response equipment and supplies will be kept in known and visible locations and access to them will not be blocked by other materials or equipment. A list of emergency contacts will be posted at predetermined, accessible and visible locations, as well as kept with the emergency response equipment. By law, fire extinguishers are routinely inspected and certified, as is other fire-suppressant equipment and materials. 		
<ul style="list-style-type: none"> - Waste oil or materials will be removed from site as soon as possible in accordance with Transportation of Dangerous Goods requirements and the BC Special Waste Regulations. 		
<ul style="list-style-type: none"> - The Emergency Spill Response Plan will be implemented when required. 		
<ul style="list-style-type: none"> - The Emergency Spill Response Plan will be posted on-site, and all personnel made aware of its content and location of response materials, as well as emergency contact names and numbers. 		
<ul style="list-style-type: none"> - Oil spill response materials and equipment, such as absorbent pads, booms and leak proof containers, will be kept on-site in sufficient quantities and in an easily accessible location to contain and clean up the amount of fuel, oil or other petroleum hydrocarbons used/stored on site. 		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
8. MONITORING AND REPORTING		
8.1 Environmental Consultant		
- Scheduled Follow-Up Monitoring (Wet Season)		
- Annual Monitoring		
8.2 Gulf Excavating Ltd.		
- Procedure for weekly Site Inspection including completion of 'Environmental Monitoring Checklist/Report' with each inspection.		

Additional Comments:		



File No.: NP-6500-20
(North Pender STVR Review)
Project

DATE OF MEETING: November 7, 2019
TO: North Pender Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima
SUBJECT: Report subject: Short Term Vacation Rental (STVR) Policy Review Options

RECOMMENDATION

That the North Pender Island Local Trust Committee direct staff to report back with a draft project charter based on Option 4 which supports a limited review of short term vacation rentals with limited public engagement.

REPORT SUMMARY

The purpose of this report is to seek direction from the North Pender Island Local Trust Committee (LTC) on their preferred option of a review process for existing short term vacation rental policies, specifically as they relate to short term vacation rentals (STVRs) that are currently permitted through temporary use permits (TUPs).

The report recommendation reflects the need for more information on existing conditions and public interest in order to inform decisions related to STVR TUP applications and renewals, and potential amendments to existing STVR policies and regulations. The recommended approach involves analysing what is known of STVRs on North Pender and inviting the public to share their thoughts and interests at a community information meeting (CIM). The report includes a timeline on the history of short term vacation rental policies on North Pender, a summary of what is known of existing indoor guest accommodation, background on the on-going Galiano STVR review project and the identification of options for reviewing short term vacation rentals on North Pender.

BACKGROUND

At the September 5, 2019 North Pender LTC meeting “Short Term Vacation Rentals review” was added to the list of Top Priorities.

As identified in the Official Community Plan (OCP) short term vacation rentals (STVRs) may be permitted outright as an accessory home business where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage. STVRs as a home business includes the rental of a room or a cottage or home (if the owner is living in the cottage). Bed and Breakfast (B & B) are also

permitted as a home occupation form of tourist accommodation. Agri-tourist accommodation, equivalent to home based business accommodation, are also permitted in agricultural zones if accessory to a working farm.

As identified in the OCP short term vacation rentals that do not qualify as home business are not permitted as a principal use in Rural Residential or Rural zones except “where authorized by a Temporary Use Permit” (s.2.1.1.2/2.1.1.1). For the purpose of Temporary Use Permits (TUPs) short term vacation rentals are defined as “the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier”(s.6.4.1). The Land Use Bylaw (LUB) defines a dwelling as “a building used as a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping and living areas.” A cottage is defined as “a dwelling with the floor area of 56m² or less”.

In addition to allowing short term vacation rentals as home business and when authorized by a TUP, the OCP supports the existence and development of commercial guest accommodation in commercially zoned areas. These areas are designated as Tourist Commercial (TC) on the OCP land use map. The OCP identifies that current zoning would permit 208 commercial guest accommodation units. As of 2005 only 58 had been developed. This information in the OCP has not been updated, but since 2005 there has not been substantial new development.

For the purposes of this report the following abbreviations are used to distinguish the various types of STVR:

STVR (NHB) – Short Term Vacation Rentals Not Home Business = STVRs that are permitted through temporary use permits (TUPs) only. A permanent resident is not required to live on the property.

STVR (HB) – Short Term Vacation Rentals Home Business = STVRs that qualify as home businesses under section 3.5 of the LUB. These businesses provide guest accommodation but no breakfast. There is a fulltime permanent resident on the property. A cottage, bedrooms in the main dwelling or the full main dwelling (if permanent resident is living in cottage or secondary suite) may be rented.

Bed and Breakfast (B&B) – Bed and Breakfast = These are tourist accommodations that qualify as a home business under section 3.5 of the LUB. These businesses provide guest accommodation and breakfast. There is a fulltime permanent resident on the property. A cottage, bedrooms in the main dwelling or the full main dwelling (if permanent resident is living in cottage or secondary suite) may be rented.

Agri-tourist Accommodation (ATA) – Agri-Tourism Accommodation = Tourist accommodation uses that are accessory to working farm operations. These could be run as a B&B (serving breakfast) or as accommodation only (not serving breakfast).

The History of STRVs on North Pender:

STVRs in rural and residential zones have been in operation on North Pender for decades. However, they were not legally permitted until 2016. Over the years North Pender Island Local Trust Committees (LTCs) have demonstrated varying levels of support of STRVs leading to uncertainty, controversy and legal actions. Key events in the history of STVRs on North Pender are as follows:

Previous to 1999 – B&Bs were recognized in Zoning Bylaw No.5 (1978-1996). Specific regulations for B&Bs were included; guesthouses were also included in the zoning bylaw for a period of time. There were no specific

regulations related to STVR(NHB)s. However, there were known to be STVR-NHBs operating in rural and rural residential zones.

1999 - Clear regulation prohibiting STVR(NHB) rental in residential areas under 30 days was introduced into the LUB. TUPs could have been used for STVR(NHB)s in rural and residential zones but no applications were made. There were no specific guidelines on the use of TUPs for STVR(NHB)s in the bylaws.

2000 - Bylaw provisions prohibiting STVR(NHB) rental under 30 days were rescinded in favor of what was considered by the LTC of the time as “status quo” (the permitting of rental accommodation for any length of time in rural and residential zones on North Pender Island). Staff did not concur with the LTC’s interpretation and courts later confirmed that the repeal did not make STVR(NHB)s a legal residential use.

2001 – Regulations supporting Agri-Tourism were added to the OCP and LUB (Bylaws 130 and 131) following application to the LTC for a rezoning by Clam Bay Farm to legitimize that Agri-Tourism operation which had been approved by the Agricultural Land Commission.

2004 – STVR-NHBs proved to be one of the most contentious issues during the initiation of the OCP review process.

2005 – A “Southern Gulf Islands Accommodation Inventory” was undertaken. 81 STVR(NHB)s were identified to be in operation on North Pender representing up to 55% of all accommodation units on the island.

2006 –Policies adopted as a standing resolution identified characteristics of STVR (NHB)s that would be subject to priority enforcement. These included: being advertised on the internet, not being managed by the property owner, complaints against the property, issues related to health and safety.

2005 - 2008 -Various public meetings were convened, as part of the OCP review process, to address the issue of STVR(NHB)s.

2008 - Options for regulating STVR(NHB)s were put forward by staff (including TUPS and/or zoning) following extensive public consultation. The OCP as ultimately adopted provided that STVR(NHB)s would not be permitted as a principal use in rural and rural residential zones. .

2009 - The LTC was successful at the [BC Supreme Court](#) in enforcement of the Timbers (Robert Leslie Conconi). Conconi was ordered to cease operation of the property as a “commercial resort and wedding facility”. The case affirmed that amendments made by a previous LTC had not had the effect of permitting STVRs and that the interpretation of a bylaw by trustees was not relevant. [A later appeal was dismissed.](#)

2014– Amendment to LUB clarified that a bed and breakfast home business can be conducted in either a dwelling or a cottage.

2014 – Following complaints related to the operation of an STVR(NHB), the LTC initiated litigation against operators of an STVR(NHB) (Roles & Schuster). The property owners ultimately ceased operation of the property as an STVR(NHB) before litigation commenced.

2015 - A review of all types of STVRs was initiated as a key priority in a broader review of affordable housing on North Pender. At the time the only permitted short term accommodation were “commercial accommodation units” in commercial zones (hotels, motels, and lodges), agri-tourism in Agricultural zones (AVA) and Bed and Breakfasts (B&B) in Rural and Rural Residential Zones where they qualified as home businesses. The review involved: developing options to address the use of residential zones for tourist accommodation/STVRs;

community consultation; recommending policies and; regulatory amendments to address STVRs and implementing bylaw amendments. Materials related to this process can be found on the [Islands Trust webpage](#).

2017- New bylaws were adopted permitting STVR(HB) outright as home business and providing guidelines for STVR(NHB)s to be permitted by Temporary Use Permit (TUP). In order to support affordable housing, guidelines stated that a TUP for a STVR(NHB) should not be approved in a secondary suite.

The current types of indoor tourist accommodation available on North Pender and the related zones are identified in Table 1 in the next section of this report.

Existing Indoor Guest Accommodation Policies for North Pender:

As indicated in the timeline above, STVRs permitted through TUPs are one of a number of types of legal indoor guest accommodation available on North Pender. The table below compares STVRs through TUPs to other legal indoor guest accommodation available on North Pender. Relevant policies are included in Appendix 1. A map identifying the location of the different zones supporting indoor guest accommodation is included in Appendix2.

Type of Accommodation	Applicable Zones	Regulations	Current Status
<p>STVRs permitted with TUP (STVR (NHB))</p> <p>A dwelling or cottage or portion of dwelling or cottage used for short term vacation rental that does not qualify as a home business (property is not being used a full time permanent residence).</p>	<p>Rural Residential Zone (RR) Rural Zone (R) Rural Comprehensive Zone (RC1 and RC2), Agricultural Zone (AG) (as permitted by the Agricultural Land Commission)</p>	<p>Property owner must apply to the LTC for a TUP. The LTC decides on TUPs in public meetings. If the TUP is issued it is valid for up to 3 years and can be renewed for another 3 years. After the renewal period a new TUP must be applied for.</p>	<p>Since the introduction of the 2016 STVR(NHB) policies and guidelines, the LTC has issued eleven STVR TUPs. These TUPs were issued for a three year period. The first TUPs issued are coming up for renewal.</p>
<p>Bed and Breakfasts (B&B)</p> <p>Home business (accessory to residential use of the property) comprising of sleeping accommodation and morning meal to paying guests.</p> <p>Can include cottage, rooms in primary residence or primary residence (if owner/operator is living in cottage or secondary suite). Can not include legal secondary suite.</p>	<p>Rural Residential Zone (RR) Rural Zone (R) Rural Comprehensive Zone (RC1 and RC2)</p>	<p>Permitted outright provided that business meets the requirements under 3.5 of the North Pender Land Use Bylaw (see relevant bylaw sections in Appendix A).</p>	<p>As a permit is not required and there has not been a recent inventory of home based business accommodation the current number operating is not known.</p>
<p>Home Business Accommodation Without Breakfast (STVR(HB))</p> <p>Home Business (accessory to residential use of the property) comprising of sleeping accommodation.</p> <p>Can include cottage, rooms in primary residence or primary residence (if owner/operator is living in cottage or secondary suite). Can not include legal secondary suite.</p>	<p>Rural Residential Zone (RR) Rural Zone (R) Rural Comprehensive Zone (RC1 and RC2)</p>	<p>Permitted outright provided that business meets the requirements under 3.5 of the North Pender Land Use Bylaw (see relevant bylaw sections in Appendix A).</p>	<p>As a permit is not required and there has not been a recent inventory of home based business accommodation the current number operating is not known.</p>

Type of Accommodation	Applicable Zones	Regulations	Current Status
Agri-Tourist Accommodation (ATA): Accommodation located on a working farm includes both indoor and outdoor (camping) accommodation.	AG (Agricultural) zone and the Agricultural Land Reserve;	Agri-tourism accommodation permitted outright to the equivalent of a B&B/STVR(HB) provided it is consistent with the regulations under 3.5.8 of the North Pender land use bylaw (see relevant bylaw sections in Appendix A). The Local Trust Committee may consider applications for rezoning or temporary use permit that would permit agri-tourist accommodation providing for more than 3 units subject to conditions identified in 2.2.20 of the North Pender OCP (see relevant bylaw sections in Appendix A)..	As a permit is not required and there has not been a recent inventory of farm based business accommodation the current number operating is not known. Clam Bay Farm is the only agri-tourism business for which there has been a rezoning.
Commercially zoned guest accommodation: hotels, motels and lodges, can include free standing self contained units such as those at Otter Bay. While in a commercially zoned area, these are part of a strata and are individually owned and rented.	Commercial Zone 2 (C2) and Commercial Zone 3(C3)	Permitted by current zoning in the C2 and C3 zones. Any application outside of C2 and C3 would require a rezoning.	As identified in the North Pender OCP (2007) "The amount of tourist-commercial designated and zoned property has not increased since the mid-1970's. At present there are 8 such properties. In 1991 the number of accommodation units permitted per acre was reduced to prevent large scale resort developments. "The current zoning would permit 208 commercial guest accommodation units; as of 2005, 58 have been developed". This information has not been updated, but it includes Currents at Otter Bay (32 units).

In addition to the legal guest accommodation identified above, there are a number of STVR-NHBs operating illegally. These include the rental of whole dwellings and/or cottage operating where there does not appear to be a permanent resident on the property. This also includes businesses operating on properties where there may be dwellings that are not legal (e.g. lot is too small for a cottage but a secondary dwelling exists on the property). It is not know how many illegal STVR-NHBs exist on North Pender, currently there are five open bylaw files.

The Galiano Island STVR review:

The North Pender LTC is not alone in its interest in reviewing the use of TUPs for STVR-NHBs.

In light of questions emerging as the first TUP renewals come before the Galiano LTC, the Galiano LTC has placed a moratorium on new Galiano Island TUP applications for STVR(NHB) use pending the completion of an STVR review. A discussion paper designed to provide context, analysis, and technical information to inform decision making on STVRs on Galiano has been recently completed and can be found on the Islands Trust website:

<http://www.islandstrust.bc.ca/media/348199/stvr-review-discussion-paper.pdf>

The next step in the Galiano review process is to consult with the community on their perspectives and experiences with STVR(NHB)s on Galiano, with a view toward potentially proposing bylaw amendments and/or policy changes that reflect the community's needs and expectations regarding STVR uses on Galiano Island.

The North Pender LTC could undertake a process similar to Galiano. This option, identified in this report as “Extensive Review Extensive Public Engagement”, is one of the five options elaborated on in the Table 1 in the next section of this report.

South Pender Island is also in the process of initiating an STVR review.

DISCUSSION OF OPTIONS:

Potential options for reviewing existing short term vacation rental policies as they relate to STVRs that are currently permitted through temporary use permits (TUPs) and estimated process timelines are identified below.

Consideration of the options identified should be mindful of the history of STVR review on North Pender. Specifically, as identified above, in 2016 North Pender undertook a very comprehensive review of STVRs which included extensive public consultation. Much information was gathered through this process. Given that only three years has passed it is unlikely that public opinion of STRVs in general has shifted dramatically. However, some residents may have opinions on the use of TUPs for STVRs (introduced as a result of the 2016 process). A limited engagement process would help identify these interests as well as others.

Another consideration is the use of staff time to gather data on existing STVRs that may not have changed substantially. An extensive review process would involve gathering data on existing STVRs which would include a review of online databases such as AirBnb and VRBO. As identified above, a study of tourist accommodation in the Southern Gulf Islands was done in 2005 identifying that there were 81 STVRs on North Pender. At the same time the number of STVRs on Galiano were identified to be 64. A review of Galiano STVRs done in August 2019 identified that there are 72: 27 qualify as home business, 21 have TUPs and 24 are illegal (do not have TUPs or qualify as home based business). If trends are similar to those on Galiano the total number of STVRs will not have changed substantially since 2005. On North Pender we know that there are 11 STVR (NHBs) with TUPs. STVR (NHB) without TUPs and those running as home businesses and B&Bs are not easily inventoried and would require database review.

Bylaw files and feedback from the CRD related to infrastructure capacity provides some indication of STVR impact. The number of open bylaw files (currently five) identifies the extent to which existing unpermitted STVR (NHBs) are problematic. Considering infrastructure capacity the CRD, responding to applications for TUP renewal located in the Magic Lake area (forwarded at the request of the LTC), identify that “...as long as additional wastewater flows are not generated over and above what can be reasonably expected from a rural residential property, then the system should not see any increased demand”.

Also to be considered is that North Pender Island is not alone in their interest in reviewing STVRs. Galiano Island is currently advancing their review of STVR policies and regulations. The South Pender Island LTC is also considering initiating their own STRV review process.

Table 1: OPTIONS	Timeline Continuum – 18 to 24 Months																	
1. Extensive Review Extensive Public Engagement	Project Initiation: development and approval of project charter and process	Review of STVRs in operation: research, analysis of existing STVR regs/policies and impacts on affordable rental housing.	Summary of Review Findings	Public/Stakeholder Consultation: Workshops and Online Engagement			Finalize recommendations and confirm scope of bylaw amendments	Bylaw Amendment Process: -drafting of bylaws -approval of draft bylaws (could involve editing stages) -1 st , 2 nd , 3 rd readings (including public hearing), referrals - Approval by Executive Committee -Ministry approval (may take several months)										
2. Extensive Review Limited Public Engagement	Project Initiation: development and approval of project charter and process	Review of STVRs in operation: research, analysis of existing STVR regs/policies and impacts on affordable rental housing. Public	Summary of Review Findings	Consultation limited to one Community info meeting (CIM)	Finalize recommendations and confirm scope of bylaw amendments	Bylaw Amendment Process -drafting of bylaws -approval of draft bylaws (could involve editing stages) -1 st , 2 nd , 3 rd readings (including public hearing), referrals - Approval by Executive Committee -Ministry approval (may take several months)												
3. Limited Review Extensive Public Engagement	Project Initiation: development and approval of project charter and process	Summary report of what is known of STVRs on North Pender.	Public/Stakeholder Consultation: Workshops and Online Engagement			Finalize recommendations and confirm scope of bylaw amendments	Bylaw Amendment Process -drafting of bylaws -approval of draft bylaws (could involve editing stages) -1 st , 2 nd , 3 rd readings (including public hearing), referrals - Approval by Executive Committee -Ministry approval (may take several months)											
4. Limited Review with Limited Public Engagement	Project Initiation: development and approval of project charter and process	Summary report of what is currently known of STVRs on North Pender. Options for amendments	Consultation limited to one CIM	Bylaw Amendment Process -drafting of bylaws -approval of draft bylaws (could involve editing stages) -1 st , 2 nd , 3 rd readings (including public hearing), referrals - Approval by Executive Committee -Ministry approval (may take several months)														
5. Status Quo	Inform public that existing processes and policies related to TUPs for STVRs will continue to be followed. TUP will be processed on a case to case basis.																	

It should be noted that North Pender is currently undergoing a water study. This may result in water licencing requirements for short term vacation rentals. This consideration would come into effect regardless of the review option chosen.

Rationale for Recommendation

The report recommends that the North Pender Island Local Trust Committee direct staff to report back with a draft project charter based on Option 4: Limited Review with Limited Public Engagement.

Short term vacation rentals, specifically STVR(NHBs) have been a contentious issue on the island for decades. New bylaws adopted in 2017 permitting STVR(HB) outright and providing guidelines for STVR(NHBs) to be permitted by Temporary Use Permit (TUP) helped provide regulatory clarity. However, in light of recent questions regarding the impacts of STVR(NHBs) on residents, affordable housing and existing infrastructure capacity (particularly in the Magic Lake area) the LTC has indicated an interest in revisiting the issue again to establish clearer rationale for permitting or not permitting the renewal of existing STVR TUP applications, accepting or not accepting new applications and considering changes to STVR policy and regulation.

Given that a very extensive review, including intensive public engagement, was facilitated in 2016 the same type of detailed process at this time may not be necessary. However, residents may be interested in sharing their thoughts on STVRs since the TUP process was introduced as a result of the 2016 STVR review process. Based on Galiano Island's experience, it may not be an effective use of staff time to engage in a full review and inventory of existing STVRs as numbers may not have changed substantially since an inventory was done in 2005. Analysis of what is know of existing STVRs on North Pender, including bylaw files, and a limited public engagement process may be enough to provide the information LTC members need to feel confident in their STVR decision making moving forward.

Next Steps

The LTC direct staff to draft a project charter and workplan for approval at the next meeting.

Submitted By:	Narissa Chadwick, RPP Island Planner	October 18, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	October 22, 2019

ATTACHMENTS

1. Appendix 1 – Relevant OCP policies and LUB regulations

APPENDIX 1: Relevant Official Community Plan (OCP) Policies and Land Use Plan (LUP) Regulations

Type of Commercial Guest Accommodation	Official Community Plan Policies	Land Use Bylaw Policies
<p>Commercially Zoned Guest Accommodation</p> <p>Commercial Zone 2 (C2) and Commercial Zone 3(C3)</p>	<p>2.4 Commercial Land Use</p> <p>2.4.1.8 The Local Trust Committee may give consideration to regulations increasing the maximum permitted floor area of individual commercial guest accommodation units, provided there is no net increase in the total floor area permitted in each location.</p> <p>2.4.20 Regulations should require that on-site staff accommodation is provided for larger commercial guest accommodation developments</p>	<p>1.2 Commercial Guest Accommodation Uses</p> <p>Where this Bylaw permits the use of land for commercial guest accommodation units in hotels, lodges, motels or agri-tourist accommodation facilities, the permitted use is the temporary occupancy of the units by a succession of different persons or parties and the owner of the unit may not be in continuous occupancy of the unit for more than 29 days nor in occupancy of the unit for more than 45 days in any calendar year. The intent of this provision is to ensure that commercial guest accommodation units remain reasonably available for rental by members of the public wishing to visit North Pender Island to enjoy its unique amenities and environment.</p> <p>6.1 Off Street Parking</p> <p>6.1.2 (h) Hotels/Motels/Lodges/Inns: 1 parking space per Commercial Guest Accommodation Unit</p> <p>8.5.4 Commercial Guest Accommodation</p> <p>(1) No hotel, motel or lodge building may contain more than 18 commercial guest accommodation units.</p> <p>(2) Subject to subsection 8.5.9, the number of commercial guest accommodation units on a lot may not exceed:</p> <p>(a) in the case of a lot 2 hectares in area or less, 17.4 units per hectare rounded to the nearest whole number; nor</p> <p>(b) in the case of lot having an area greater than 2 hectares , 35 units plus 12.39 units per hectare in excess of 2 hectares, rounded to the nearest whole number, but no lot may have more than 60 commercial guest accommodation units.</p>
<p>Vacation Rentals permitted as Home Businesses (STVR-HB) and (B&B):</p>	<p>2.1.2 Land Use</p> <p>2.1.2.3 Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.</p> <p>2.1.3 Home Based Business and Home Industry</p> <p>2.1.3.1 Home Based Business shall be permitted as secondary to a principal residential use only.</p>	<p>3.5 Home Business Regulations:</p> <p>3.5.4 Not more than four persons per lot may be employed in any home business in addition to any residents of the premises in which such business is carried on, and at least one of the employees of a home business must live on the premises. In the case of a short term vacation rental, the operator or another person responsible for the vacation rental must live in a permitted dwelling or cottage on the property.</p> <p>3.5.8 The following additional regulations apply to bed and breakfast home businesses:</p> <p>(1) not more than 6 guests may be accommodated at any one time;</p> <p>(2) not more than 3 bedrooms may be used to accommodate guests;</p> <p>(3) in addition to the 2 parking spaces required for the dwelling, one additional parking space for each bedroom</p>

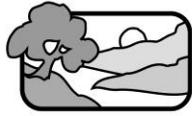
		<p>used for bed and breakfast accommodation must be provided, despite Subsection 3.5.7; (4) no rental of equipment or material is permitted except to registered guests; and (5) a bed and breakfast home business must be conducted solely within a principal dwelling or cottage.</p> <p>3.5.11 No more than one dwelling or one cottage may be used for a short term vacation rental on a lot. 3.18.6 A secondary suite may not be used as a short term vacation rental or a bed and breakfast home business.</p> <p>6.1 Off Street Parking 6.1.2 (j) Use: Bed and Breakfast Guest Houses Parking Spaces Required: 1 per room used or intended to be used for Guest Accommodation</p>
<p>Agri-tourist Accommodation (ATA):</p>	<p>2.2.17 Zoning changes should not be considered that would allow multi-family, industrial, institutional or commercial developments in the Agriculture designation except for agri-tourist accommodation which is accessory to a working farm operation.</p> <p>2.2.20 Agri-tourist accommodation may be permitted as the equivalent of bed and breakfast accommodation. The Local Trust Committee may consider applications for rezoning or temporary use permit that would permit agri-tourist accommodation providing for more than 3 units, provided that: a) the use is accessory to working farm operations; b) the use is on agriculturally designated land that is in the ALR; the application is consistent with ALC policies; c) the working farm will continue in operation and will not be adversely affected; d) potable water of sufficient quantity for both farming and non-farming use is available; e) sewage disposal facilities are suitable; f) on-site parking is adequate; g) the impact of increased traffic on adjacent roadways is considered; h) the environmental and climate change impact of the proposal is considered; i) and the impact on adjacent properties is addressed.</p> <p>2.2.21 The Local Trust Committee may consider temporary commercial use permit or rezoning applications to permit accessory campgrounds as agri-tourist accommodation. In addition to the criteria established in policies 2.2.20 and 2.1.2.7 (Rural Land Use), applications for accessory campgrounds in this designation shall not exceed 10 campsites, campsites and indoor units shall be considered equivalent for purposes of density and applications should comply with relevant Agricultural Land Commission policies.</p>	<p>8.3 Agricultural Zone 8.3.2 Permitted Uses (e) agri-tourist accommodation as an accessory use, subject to subsection 8.3.7, and as permitted by the Agricultural Land Commission.</p> <p>8.3.7 Agri-tourist Accommodation (1) agri-tourist accommodation must be accessory to a working farm operation; (2) agri-tourist accommodation must be situated on land that is in the AG (Agricultural) zone and the Agricultural Land Reserve; (3) agri-tourist accommodation must be situated in a permitted dwelling or cottage. (4) agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests, but may not include a restaurant or any commercial or retail goods and services other than those permitted by the Agricultural (AG) Zone; (5) the maximum number of guests that may be accommodated in any agri-tourist operation at any one time, either alone or in combination with a bed and breakfast, is not to exceed 6 guests and 3 bedrooms.</p>

	<p>2.4.3 Commercial accommodation or retail commercial centres in the Agricultural Land Reserve will not be permitted except for agri-tourist accommodation which is accessory to a working farm operation.</p>	
<p>Short Term Vacation Rentals not Qualifying as Home Business (STVR (NHB))</p>	<p>Official Community Plan Policies (there are no land use bylaw policies)</p> <p>2.1.1 Rural Residential Land Use</p> <p>2.1.1.2 Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use except where authorized by a Temporary Use Permit.</p> <p>2.1.1.3 Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage</p> <p>2.1.2 Rural Lands Use</p> <p>2.1.2.1 The principal uses on lands in the Rural land use designation shall be residential and agricultural.</p> <p>2.1.2.2 Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use except where authorized by a Temporary Use Permit.</p> <p>2.1.2.3 Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.</p> <p>Part 6 Temporary Use Permits</p> <p>An Official Community Plan may designate areas where temporary uses may be allowed. A temporary use permit may allow a use not permitted by zoning, specify conditions under which the temporary use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. A permit may be issued for a period of up to three years and may be renewed only once, after which a new application is required.</p> <p>6.4 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental permit:</p> <p>6.4.1 For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.</p> <p>6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence.</p> <p>6.4.3 The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.</p> <p>6.4.4 The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit. If the lot is served by a community water system, the application should be referred to the water system for information.</p> <p>6.4.5 The landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.</p> <p>6.4.6 If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.</p> <p>6.4.7 The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m2 .</p> <p>6.4.8 The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.</p> <p>6.4.9 The permit should require the owner or manager provide neighbours within a 200 metre radius of the vacation rental with the owner or manager’s phone number, and a copy of the temporary use permit.</p> <p>6.4.10 The permit should require the landowner post the following information for guests: a) remind guests that the property is located in a residential area; b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); c) emergency service contact information, and to provide a means for contacting them;</p> <p>6.4.11 The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m2 , and if the building has received an occupancy permit for residential use under the BC Building Code.</p> <p>6.4.12 In addition to any other conditions the LTC may consider appropriate, in some situations the permit may:</p> <p>a) Limit the number of bedrooms that can be used for short term vacation rentals;</p>	

- b) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
- c) require the landowner/operator to post contact information and permit information at the entrance to the property;
- d) prohibit camping or occupancy of RVs on the property;
- e) prohibit the rental or provision of motorized personal watercraft;
- f) prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;
- g) prohibit outdoor fires; and h) establish the dates during which the use may occur.

6.4.13 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.”

6.4.14 A temporary use permit may not be issued for a short term vacation rental within a secondary suite.



File No.: File Number(s)
(NP OCP Implementation)

DATE OF MEETING: November 7, 2019
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
SUBJECT: Report subject: OCP Implementation Project Options

RECOMMENDATION

1. That the North Pender Island Local Trust Committee identify ... as a Top Priority project and that staff report back with a draft project charter.

REPORT SUMMARY

The purpose of this report is to provide the LTC with a range of potential projects related to OCP policy implementation.

BACKGROUND

At the September meeting, the LTC adopted the following resolution:

NP-2019-099

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to delete item 1, "Land use planning for Waste Transfer" and item 3 "Land owner education" from the Top Priorities list and add the projects "Official Community Plan Implementation", and "Short Term Vacation Rentals review".

CARRIED

'Official Community Plan Implementation' refers to an inventory of potential amendments to the Land Use Bylaw (LUB) which would implement policies in the Official Community Plan (OCP). The list of potential amendments was created following the adoption of the current OCP in 2008: the new OCP included a variety of statements identifying future actions, these were tabulated, reviewed by the LTC of the day, and added to the projects list (i.e. an inventory of potential future projects). Subsequently a number of priority amendments were initiated in the following years, including:

- Implementing the Riparian Areas Regulation
- Adoption of a Development Approval Information Bylaw
- Designation of future pedestrian and bicycle routes
- Marine zoning amendments and adoption of zoning on lakes
- Implementation of secondary suites

The current list of potential amendments are those that were not prioritized as projects by the LTC over the previous two terms. The LTC has now indicated that it wishes to consider implementing further OCP policies, this report summarizes the various potential amendments, and provides some comment on the scope of the potential projects, and some options on proceeding.

ANALYSIS

An OCP is “a statement of objectives and policies to guide decisions on planning and land use management” by the local government. An OCP must include a number of mandatory statements and policies and can include a variety of other policies. An OCP does not commit a local government to implement any of the policies or projects identified in the OCP, but any bylaw adopted subsequent to the adoption of an OCP must be consistent with the OCP. The test of consistency of any amending bylaw is with the OCP as a whole, not necessarily with specific policies. The principal mechanism to implement OCP policies is through amendments to zoning, or other land use regulations in the LUB.

The attached table inventories the potential LUB amendments that were identified previously, includes some current or emerging issues, and a list technical amendments that is maintained for all LUBs. Not included in the table are advocacy policies, on-going projects (i.e. the groundwater sustainability project), further OCP amendments (e.g. new development permit areas), or policies that would require amendments to bylaws other than the LUB (e.g. amendments to the development approval information bylaw).

There are a total of 19 potential amendments identified in the attached table. The scope of work would vary widely between the different categories, some would be discrete initiatives while others could reasonably be combined into a single project. The following would be best addressed as discrete projects:

1. Residential floor area review: the OCP includes a statement that maximum residential floor area regulations may be created and that the maximum cottage floor area be reviewed. Any meaningful regulation (i.e. more than a large maximum floor area) would involve a significant review and community consultation (Mayne LTC is currently initiating a project that involves a review of dwelling regulations)
2. Conservation subdivision review: this was a project in 2013-2014 and then abandoned by a new LTC in 2015. The project would have potentially implemented regulations to require clustering of lots on larger subdividable properties (see the webpage: [Conservation Subdivision project](#))
3. Tourist Commercial Review: this project would review and potentially amend the regulations in the tourist commercial zones (C2, C3), including updating the regulations, creating more flexibility, and potentially reducing development potential in certain locations.
4. Marine shoreline review: this would involve a review of existing marine and backshore regulations, including dock regulations, setbacks from the sea, and more generally address impacts of climate change on the shoreline.
5. Agricultural amendments: this project would involve extensive consultation with stakeholders, the ALC and Ministry staff, implement initiatives identified in the Area Farm Plan, and otherwise update agricultural zoning regulations.

6. Industrial Land Review: this would review the current zoning on industrial lands and potential industrial zoning on other lands, as well as the regulations for specific uses and locations. A project of this nature would involve extensive consultation with owners and operators, as well as neighbours.

Other, smaller initiatives could likely be addressed as a single project, potentially with several discrete amendments:

- Landscape screening regulations
- Home industry regulations
- Updating subdivision regulations
- Review provisions for renewable energy
- Review C1 zoning categories to update, and extend to all locations in the zone
- Site specific zoning updates (e.g. long standing non-STVR TUPs, ferry terminal zoning)
- Forestry and agricultural building height in Rural zones
- Accessory buildings and structures prior to dwellings in the RR zones
- Review of prohibited uses
- Shipping containers
- Various technical amendments to the LUB

Finally, amendments related to groundwater are likely best reserved pending the outcome of the groundwater sustainability project: e.g. proof of water subdivision regulations and cistern requirements for new construction.

The LTC should review the list of potential projects and either identify one major initiative to make a Top Priority or identify a project combining some or all of the minor amendments as a Top Priority project. The other projects could be retained on the projects list as future initiatives. Combining several or all the initiatives into a single large project, while possible, would be an extensive project, likely taking the bulk of the term to complete – essentially an LUB re-write.

The LTC is encouraged to consider the draft Trust Council Strategic Plan priorities in advancing the LTC’s work program.

Alternatively the LTC could ask staff to report back with more detailed information on one or more of the above options prior to identifying a priority project.

NEXT STEPS

If the LTC identifies a new Top Priority project, staff will report back with an outline of the steps, options (if any), budget requirements for 2020-21 and a draft project charter.

Submitted By:	Robert Kojima, Regional Planning Manager	October 30, 2019
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ATTACHMENTS

1. Table of potential amendments

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
OFFICIAL COMMUNITY PLAN IMPLEMENTATION OPTIONS**

Potential Zoning Amendments Resulting from Statements in Official Community Plan Bylaw No. 171, 2007

No	Category	Reference Policy	OCP ref.	Staff Comments	Resource Commitment
1.	Land Use Bylaw Maximum Floor Area for Residential Dwellings	Maximum floor area regulations may be established, cottage maximum reviewed	2.1.A	<i>This would likely be a significant work program item, SPILTC has amended the LUB to limit floor area, MALTC is considering flexible housing options.</i>	High
2.	Land Use Bylaw: Landscape Screening Review	Consider and review the use of regulations to retain screening vegetation	2.1.C	<i>Review of effectiveness, intent, and administrative capacity related to existing regulations, consider potential new regulations or amendments</i>	Low
3.	Land Use Bylaw: Lot Clustering	Lot clustering should be encouraged through use of minimum and average lot sizes.	2.1.1.4 2.1.2.5 2.6.1 4.1.5 5.1.2	<i>Minimum average lot sizes for RR and R zones implemented, Conservation Subdivision project focusing on large subdividable lots was initiated in 2013 but not completed by LTC.</i>	Medium - High
4.	Land Use Bylaw: Home Industry Regulations	Home Industry regulations review	2.1.3.6 – 2.1.3.9	<i>OCP establishes policies for updating these regulations, this could be implemented as a limited project</i>	Medium
5.	Land Use Bylaw: Tourist Commercial	Various potential amendments to tourist commercial regulations	2.4.18 2.4.19 2.4.20	<i>Potential project to review commercial guest accommodation regulations, including allowing flexible floor area, also addressing development potential. Partially implemented (Port Browning rezoning). Partially implemented by re-alignment of marine zone boundaries, amendments to zone lakes, provisions for dock elements on upland. Could be considered as part of a single project to review both marine and shoreline zoning or as distinct projects.</i>	Medium - High
6.	Land Use Bylaw: Marine and Shoreline zoning review	Review of various marine related zoning and shoreline regulations. Marine zoning regulations include definitions of docks and associated structures. Shoreline review would include setbacks, permitted structures, and incorporate sea level rise provisions	3.1.1.1 3.1.1.4 3.1.1.5 3.2.5 4.1.2 4.2.4	<i>Partially implemented by re-alignment of marine zone boundaries, amendments to zone lakes, provisions for dock elements on upland. Could be considered as part of a single project to review both marine and shoreline zoning or as distinct projects.</i>	High
7.	Land Use Bylaw: Subdivision regulations	Review of subdivision servicing regulations, including proof of potable water, applicability of road standards and drainage.	3.3.1.1	<i>Groundwater sustainability project may have applicability to proof of potable water provisions.</i>	Medium - High

No	Category	Reference Policy	OCP ref.	Staff Comments	Resource Commitment
8.	Land Use Bylaw: Agricultural amendments	LTC may consider amendment to various regulations to implement Area Farm Plan, update regulations	2.1.1.8 2.2.1 2.2.2 2.2.3 2.2.4 2.2.5 2.2.24 2.2.8	<i>This would be a significant project, with extensive consultation. LTC should be satisfied this is a priority.</i>	High
9.	Land Use Bylaw: Renewable energy	Review zoning regulations to permit renewable energy devices	4.5.2	<i>Siting of features would be main amendment. Geothermal heating: site-specific amendment approved, change to zoning regulations considered and rejected by a previous LTC</i>	Low
10.	Land Use Bylaw: Mandatory rainwater catchment systems	Regulations may be considered requiring the installation of rainwater catchment systems in new construction	3.2.4	<i>Non-potable water storage requirements can be implemented through zoning regulations or as a DPA for water conservation. Priority areas should be identified following completion of the groundwater review project</i>	Low

Potential Amendments not identified by specific OCP policies

11.	Land Use Bylaw: Industrial zoning Review	Review Industrial zoning		<i>Zone Industrially-designated land, review range of uses permitted in industrial zones. This would represent a significant commitment of time and resources and should be undertaken as discrete project. Partially considered during waste management review and through rezoning of works yard (currently in abeyance at applicant's request).</i>	High
12.	Land Use Bylaw: Commercial zoning Review	Review C1 zoning		<i>Review site-specific zones, update use categories.</i>	Medium
13.	Land Use Bylaw: Ferry Terminal	Ferry terminal zoning		<i>Upland portion of ferry terminal should be zoned to a community service zone</i>	Low
14.	Land Use Bylaw: Incorporate TUP into zoning	Consider amending zoning to make on-going (non-STVR) TUPs permanent uses		<i>There are currently 3 – 5 non-STVR TUPs that may be candidates for LTC-initiated zoning amendments that would make the uses permanent</i>	Low

No	Category	Reference Policy	OCP ref.	Staff Comments	Resource Commitment
15.	Land Use Bylaw Forestry and Agricultural buildings	Amends to AG and R zoning to address agricultural and forestry building height		<i>Agricultural buildings defined by use only, consider amendments to permit higher buildings on AG lots with larger setbacks. Rural zoning does not specifically allow for non-agricultural buildings that are not accessory to a dwelling.</i>	Low
16.	Land Use Bylaw Accessory buildings	Construction of accessory buildings prior to residence		<i>Permit one non-residential building on RR zoned lots prior to construction of dwelling</i>	Low
17.	Land Use Bylaw Prohibited uses	Review of prohibited uses		<i>Could be updated to address shipping containers, pit toilets and uses identified in other bylaws</i>	Low
18.	Land Use Bylaw Technical Amendments	Various technical updates / corrections		<ul style="list-style-type: none"> • Order of definitions (cottage) • Uses permitted in all zones clarity • Typos • Mapping: <ul style="list-style-type: none"> • C2(c) and C2(d) zone boundary • Magic Lake tennis courts • Home industry setback and minimum lot size inconsistency • Add secondary suites to RC zones • Siting exemptions for solar panels and power sheds • Home occupation definition permission and prohibition inconsistency • Inconstancy between natural boundary and lot line setbacks • Definition of pumphouse • RV definition to include park model homes • Connections between buildings • Review lot coverage for split zoned lots calculations • Review accessory use definition in light of recent case law 	Medium
19.	Land Use Bylaw Formatting	Re-format LUB to Islands Trust LUB template, adopt a new base bylaw		<i>Any extensive amendments to LUB should include re-formatting LUB into standard template and adopting a new base bylaw</i>	Low



Top Priorities Report

North Pender Island

1. STVR review	Responsible	Dates
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to review the policies, regulations and impacts of STVRs

Narrisa Chadwick

Rec'd: 05-Sep-2019

2. Climate Change Adaptation, Mitigation and Resilience	Responsible	Dates
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Phase 1: Groundwater Sustainability Project (2019-2020)

William Shulba

Rec'd: 29-Nov-2018

Phase 2: Sea level rise adaptation (2020-21)

Target: 31-Mar-2020

3. OCP Implementation	Responsible	Dates
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to review potential LUB amendments to implement OCP policies, and to consider LUB technical amendments:

Robert Kojima

Rec'd: 05-Sep-2019

- review of industrial zoning
- tourist commercial zoning review
- home industry regulation
- review of commercial (C1) zoning
- incorporate TUP's into zoning
- landscape screening review
- review of marine zoning regulations in conjunction with overall shoreline

development review

- amendments to permit renewable energy
- review of floor area calculations, applicable for cottages in support of alternative,



North Pender Island

energy efficient building designs, and review maximum floor area restriction

- height exemptions for agricultural or forestry buildings
 - max floor area for principal dwellings
 - Agricultural policies, including an Area Farm Plan.
 - Regulations to address roadside sign placement.
 - Road standards in subdivision servicing regulations
 - technical amendments, shipping containers, pit toilets
-



North Pender Island

5. <i>Shoreline Project Implementation</i>	Responsible	Date Received
Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones		
6. <i>Conservation Subdivisions</i>	Responsible	Date Received
Continue 2013-2014 work to reduce environmental impacts of subdivision through conservation subdivisions regulations. Consult with community on recommendations for LUB and OCP amendments drafted in 2014.		03-Feb-2015
7. <i>Freshwater sustainability</i>	Responsible	Date Received
Implement Official Community Plan policies on potable water and groundwater resources, especially policies in OCP 4.1.1.1»¿		29-Oct-2015
8. <i>Coastal Douglas Fir Ecosystem</i>	Responsible	Date Received
Consider implementation of toolkit		01-Feb-2019



Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC	23-May-2018	DP for new building for store operated by Pender Island Community Services Society.

Planner: Phil Testemale

Planning Status

Status Date: 19-Nov-2018

File on hold awaiting building and landscaping plans from applicant. x- ref to NP-RZ-2016.4 and NP-SUB-2017.3

Status Date: 06-Jun-2018

Issued receipt for cheque, pink copy to Finance and original scanned with cheque for e-files; emailed scanned receipt and cheque to Applicant, mailed original; added hard copy to application folder.

Status Date: 04-Jun-2018

Received from Applicant cheque for application fee by post mail.

File Number	Applicant Name	Date Received	Purpose
NP-DP-2019.2	Gill, David	02-Oct-2019	development permit for a protection area

Planner: Narrisa Chadwick

Planning Status

Status Date: 08-Oct-2019

PTA gave file to Planner

Status Date: 04-Oct-2019

PTA received e-transfer fee confirmation, LTC notified, Planner to be decided

Status Date: 03-Oct-2019

PTA created file, waiting for e-transfer fee



Rezoning

File Number	Applicant Name	Date Received	Purpose
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NP-RZ-2018.3	TIM HALL PENDER ISLAND PARKS & RECREATION COMMISSION	05-Jul-2018	Application for rezoning of portion of Danny Martin Park from 'Community Service' to 'Community Park'
Planner: Phil Testemale			
Planning Status			

Status Date: 23-Oct-2019
E-mail to Justine Starke, CRD requesting update and advice on proceeding

Status Date: 22-May-2019
Staff have contacted CRD. Parks Plan review to be initiated with unspecified timeline.

Status Date: 16-Apr-2019
Biologist's report rec'd on Danny Martin Creek. Staff will contact CRD to advance planning process for parks plan.

File Number	Applicant Name	Date Received	Purpose
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NP-RZ-2019.3	Henshaw, Ron	07-Aug-2019	To bring existing uses into compliance.
Planner: Phil Testemale			
Planning Status			

Status Date: 23-Oct-2019
Reviewing application and professional reports. November 28, 2019 agenda for preliminary report

Status Date: 12-Aug-2019
PTA created file, fees received, LTC notified, forwarded to Planner



Subdivision

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

Planning Status

Status Date: 13-Sep-2019

PLA Extension request rec'd. Reply with no objections.

Status Date: 17-May-2019

strata access route layout and standards approved by MoTI and PAO

Status Date: 09-May-2019

Meeting with applicant - update on progress of application

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

Planning Status

Status Date: 27-Jun-2019

Conditions on PLA outstanding (particularly removal of illegal dwelling)

Status Date: 09-Jan-2018

Awaiting Ministerial signature

Status Date: 19-Jul-2017

Bylaws approved by EC



Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2017.3	Jim Petrie	19-Dec-2017	proposed 2 lot subdivision

Planner: Phil Testemale

Planning Status

Status Date: 26-Sep-2019

Applicant advised of regulatory requirements, professional hydrologist certification

Status Date: 27-Jun-2019

Terms of Reference for water requirement by SFS forwarded to PICSS. Awaiting decision by PICSS on application for variance or provision of req 'd hydrogeologist's report.

Status Date: 20-Feb-2019

Applicants have supplied well licensing information update. Coordinate with Senior Freshwater Specialist on terms of reference and variances for water approval.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2018.5	AARON GRIMMER	26-Jul-2018	Application for aggregate storage, concrete batch plant, trucks and equipment, etc.

Planner: Phil Testemale

Planning Status

Status Date: 23-Oct-2019

Memo on Nov 7, 2019 agenda for update, next steps.

Status Date: 03-Oct-2019

EMP received. Checklist sent Oct 17, 2019

Status Date: 26-Jul-2019

E-mail sent to applicant re: Letter of Assurance. August 26, 2019 deadline. Monitoring set up.



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2019.2	Hepburn & Heffelfinger	05-Apr-2019	Short Term Vacation Rental

Planner: Phil Testemale

Planning Status

Status Date: 23-Oct-2019

On November 7, 2019 Agenda for consideration of issuance

Status Date: 26-Jul-2019

E-mail to applicant requesting adherence to TUP Guidelines and water conservation info to guests.

Status Date: 17-Jul-2019

Response rec'd CRD. On September 5, 2019 agenda for further consideration

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2019.4	Burdett, Mike & Anne	05-Oct-2019	TUP Renewal application

Planner: Phil Testemale

Planning Status

Status Date: 23-Oct-2019

November 28 agenda for consideration of issuance

Status Date: 22-Oct-2019

PTA updated physical file with signed application. Planner to be assigned.

Status Date: 11-Oct-2019

PTA received fees



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2019.6	Janssens, Natalie	21-Oct-2019	TUP Application for an STVR

Planner: Phil Testemale

Planning Status

Status Date: 25-Oct-2019

Applicant requested via email to have only Natalia Janssens as the applicant.

Status Date: 24-Oct-2019

Application complete, PTA received fees, LTC notified

Status Date: 22-Oct-2019

PTA created file, waiting on fees, application is complete

Islands Trust
 LTC EXP SUMMARY REPORT F2020
 Invoices posted to Month ending September 2019

650 North Pender	Invoices posted to Month ending September 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	992.00	170.00	822.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	3,855.00	3,053.26	801.74
65210-650	LTC - Local Exp - APC Meeting Expenses	493.00	60.00	433.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>4,892.00</u>	<u>3,113.26</u>	<u>1,778.74</u>
Projects				
73001-650-4054	North Pender Waste Management Review	3,000.00	0.00	3,000.00
73001-650-4102	North Pender Landowner Education	2,000.00	903.76	1,096.24
TOTAL Project Expenses		<u>5,000.00</u>	<u>903.76</u>	<u>4,096.24</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.	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.
4.	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.
5.	September 10, 2015	NP-LTC-63-15	Enforcement Policy - storage and disposal of waste and vehicles	THAT North Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.

6.	September 6, 2018	NP-LTC-2018-70	Processing of non-medical cannabis retail license applications	<ul style="list-style-type: none"> • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the local trust committee after initial review of the proposal. • However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: <ul style="list-style-type: none"> ○ Name of the applicant and a description of the proposal in general terms ○ The location of the proposed establishment and the subject site ○ The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application ○ How public comments may be submitted to the local trust committee.
7.	February 28, 2019	NP-2019-030	APC appointments	Prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners
8.	May 30, 2019	NP-2019-061	STVR TUPs	That staff refer STVR TUPs in Magic Lake [sewer area] to the Magic Lake Sewer and Water Committee to confirm infrastructure capacity

9.	July 4, 2019	NP-2019-072	First Nations Reconciliation	<p>That the North Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:</p> <p>Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:</p> <ul style="list-style-type: none"> a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations’ cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations’ traditional territories within the Islands Trust Area.
10.	July 4, 2019	NP-2019-074	Antenna Strategy	<p>THAT the NPILTC adopt the “Model Strategy for Antenna Systems” as the tool for review and consideration of proposals.</p>



REQUEST FOR DECISION

To: North Pender Island Local Trust Committees
For the Meeting of: November 7, 2019

From: David Marlor, Director, Local Planning Services
Date Prepared: October 23, 2019

SUBJECT: Live Streaming of Local Trust Committee Meetings

RECOMMENDATION:

That the Local Trust Committee communicate to Trust Council its interest (or lack thereof) in filming and streaming its public meetings.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

Meeting streaming provides a new way for island constituents to engage in Islands Trust work. Challenges and opportunities related to this topic will be explored in a report to Trust Council in coming months.

1 PURPOSE:

To determine the level of interest in streaming local trust committee meetings.

2 BACKGROUND:

At its June 19, 2019 meeting Trust Council made the following resolutions:

“That Trust Council request that each local trust committee and Trust Council committees indicate whether it has an interest in filming and streaming its public meetings.”

And,

“That Trust Council request staff to prepare a report about the costs and feasibility of filming and streaming videos of public meetings through the new Islands Trust website and social media.”

The report requested in the latter resolution is currently being prepared by staff.

Forming part of this discussion will be the level of interest of Council committees in pursuing this initiative for their own public meetings. As such, a committee decision is required for communication to Trust Council to inform dialogue and appropriate resource allocation.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: A change in procedures for how local trust committee meetings are organized and conducted.

FINANCIAL: Additional costs for equipment, processing and storage of recordings and staff resources to operate the equipment.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: The interest or lack thereof of the Local Trust Committee will be communicated to Trust Council as requested.

FIRST NATIONS: None.

OTHER: None.

4 RELEVANT POLICY(S):
None.

5 ATTACHMENT(S):
None.

RESPONSE OPTIONS

That the Local Trust Committee communicate to Trust Council its interest in filming and streaming its public meetings.

OR

That the Local Trust Committee communicate to Trust Council that it is not interested in filming and streaming its public meetings.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By: Clare Frater, Director, Trust Area Services



Updated: October 8, 2019

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

(DRAFT) NOTICE OF 2020 BUSINESS MEETINGS

THE LTC HAS _____ THE FOLLOWING DATES FOR ITS 2019 MEETING SCHEDULE. MEETINGS ARE SUBJECT TO CHANGE. PLEASE VISIT THE NORTH PENDER LTC WEBSITE FOR UP-TO-DATE SCHEDULE INFORMATION. THE LTC WILL MEET ON the last THURSDAY OF EACH MONTH @ 10:00 A.M. UNLESS OTHERWISE NOTED*

January 30
February 27
*April 2 (1st Thursday)
*April 23 (3rd Thursday)
*May 21 (3rd Thursday)
July 2 (1st Thursday)
*July 23 (4th Thursday)
*September 10 (2nd Thursday)
October 29
November 26

TENTATIVE (to be confirmed) LOCATION: PENDER COMMUNITY HALL - 4418 BEDWELL HARBOUR ROAD

**These are regular business meetings of the Local Trust Committee, where they will consider items such as bylaws, applications, and correspondence.
ALL MEETINGS ARE OPEN TO THE PUBLIC**

**Website: www.islandstrust.bc.ca/npender
Email: information@islandstrust.bc.ca
Phone: 250-405-5151**