



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: April 25, 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.	TOWN HALL AND QUESTIONS	10:05 AM - 10:20 AM	
4.	COMMUNITY INFORMATION MEETING		
5.	PUBLIC HEARING	10:20 AM - 10:40 AM	
5.1	North Pender Island Local Trust Committee Bylaw 220 - LUB Amendment No. 2, 2018 (Shaw)		
	Public Hearing binder under separate cover		
6.	MINUTES	10:40 AM - 10:50 AM	
6.1	Local Trust Committee Minutes Dated February 28, 2019 (for Adoption)		4 - 13
6.2	Section 26 Resolutions-without-meeting Report		
	none		
6.3	Advisory Planning Commission Minutes		
	none		
7.	BUSINESS ARISING FROM THE MINUTES	10:50 AM - 11:00 AM	
7.1	Follow-up Action List Dated April 2019		14 - 15
8.	DELEGATIONS		
9.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		

10.	APPLICATIONS AND REFERRALS	11:00 AM - 12:20 PM	
10.1	NP-RZ-2018.2 (Shaw) - Post Public Hearing Report		16 - 21
10.2	NP-DP-2018.10 (Lee) - Staff Report (attached)		22 - 104
10.3	NP-TUP-2019.1 (Vermeeren) - Staff Report (attached)		105 - 127
10.4	NP-TUP-2019.2 (Hepburn) - Staff Report (attached)		128 - 134
10.5	NP-RZ-2019.1 (Sketch) - Preliminary Report (attached)		135 - 161
11.	LOCAL TRUST COMMITTEE PROJECTS	12:20 PM - 1:00 PM	
11.1	Waste Management Project - Staff Report (attached)		162 - 183
11.2	Groundwater Sustainability Project - Staff Report (attached)		184 - 187
11.3	Electronic Meeting Amendment - Staff Report (attached)		188 - 189
12.	REPORTS	1:00 PM - 1:20 PM	
12.1	Work Program Report (attached)		
12.1.1	<u>Top Priorities Report Dated April 2019</u>		190 - 190
12.1.2	<u>Projects List Report Dated April 2019</u>		191 - 192
12.2	Applications Report Dated April 2019 (attached)		193 - 200
12.3	Trustee and Local Expense Report Dated February 2019 (attached)		201 - 201
12.4	Adopted Policies and Standing Resolutions (attached)		202 - 203
12.5	Local Trust Committee Webpage		
12.6	Trustee Report		
12.7	Chair's Report		
12.8	Islands Trust Conservancy Report Dated March 2019 (attached)		204 - 205
12.8.1	<u>Forage Fish Habitat Mapping - James and Sidney Islands - Staff Report (attached)</u>		206 - 209
13.	NEW BUSINESS	1:20 PM - 1:30 PM	
13.1	North Pender Island LTC BEN Bylaw 218 - Staff Report (attached)		210 - 213
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for May 30, 2019, at the Community Hall, Pender Island		

- | | | |
|-----|------------------------|-------------------|
| 15. | TOWN HALL | 1:30 PM - 1:40 PM |
| 16. | CLOSED MEETING
none | |
| 17. | ADJOURNMENT | 1:40 PM - 1:40 PM |



DRAFT

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

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: February 28, 2019
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

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

Staff Present: Robert Kojima, Regional Planning Manager
William Shulba, Regional Planning Manager
Shannon Brayford, Recorder

Public: There were approximately (65) 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. Chair Patrick noted that the meeting was being live streamed through Facebook.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Anne Burdett addressed the staff report for the Temporary Use Permit (TUP) for 4415 Bedwell Harbour Road. She recommended that the Local Trust Committee (LTC) not accept the staff recommendation to allow the application to proceed no further and provided a rationale for the importance of this application, mitigation options to reduce impacts, and the general benefits of allowing industrial locations to evolve.

Gregory Franklin spoke in favour of the TUP for 4415 Bedwell Harbour Road and encouraged the LTC to consider the Grimmer family's ongoing contributions to the island when considering the application.

Karl Hamson addressed the current uses of 4415 Bedwell Harbour Road. He spoke in favour of the application with the condition that the property's current state and ongoing land use violations be remedied.

Michael Sketch addressed the staff report for a TUP at 4415 Bedwell Harbour Road, recommending that the LTC consider the differences in the waste transfer application and concrete applications on the site. He also requested that the previous meeting's minutes be amended to state that he requested a cost sharing rather than a waived fee.

4. COMMUNITY INFORMATION MEETING

4.1 North Pender Island Local Trust Committee Bylaw 220 re NP-RZ-2018.2 (GRL Holdings/Shaw)

4.1.1 NP-RZ-2018.2 (GRL/Shaw) - Staff Memo

10:20 am

Regional Planning Manager (RPM) Kojima provided an overview of the Community Information Meeting process in general and also a specific overview of the related staff report.

A representative of Westbrook Consulting addressed the LTC providing an overview of the application's purpose, their intentions regarding compliance with the application's requirements, and historical care taken on the property.

Trustee Morrison requested that Slow Coast be consulted on the landscaping and screening.

Trustee McConchie requested staff information regarding the outcome if the application were to be denied.

Eleanor Brown, a member of Pender Island Conservancy, requested reassurance that the Medicine Beach conservation area will be considered and protected.

The representative addressed the concern and noted that ongoing monitoring has continued throughout the history of the building.

Michael Sketch requested information on the purpose of the transmitters at the site and noted that the energy density of the transmissions can be a concern.

Trustee Morrison requested that the minutes record her request that the applicant be requested to provide information on the energy density of the transmissions and the implications of those transmissions.

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated January 31, 2019

It was recommended that Michael Sketch's comments, under Item 12.1.2 be amended to remove "waived" and replace with the phrase "arranged with cost sharing".

By general consent the Local Trust committee meeting minutes of January 31, 2019 were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report

none

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated February 2019

Trustee Morrison noted that standing resolution 5 was amended at the last meeting to improve enforcement.

NP-2019-023

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request an update report every two months from Bylaw Enforcement.

CARRIED

Trustee McConchie encouraged the public to take note of this change and provide feedback.

8. DELEGATIONS

None

9. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

None

10. APPLICATIONS AND REFERRALS

10.1 NP-DVP-2019.2 (Finlayson) Staff Report

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

Note: 46 members of the public arrived to the meeting.

Trustee Morrison provided comments on the staff report and enclosed applicant comments. She requested clarification on the circumstances by which the planned construction could vary from the permit.

Trustee McConchie requested information on the current status of Moresby Island.

A discussion was held regarding the application, the Official Community Plan, and the conditions under which a development variance permit can be granted.

NP-2019-024

It was Moved and Seconded,

that the North Pender Island Local Trust Committee deny issuance of Development Variance Permit NP-DVP-2019.2.

CARRIED

10.2 NP-DVP-2018.9 (Cooke) - Staff Report

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

NP-2019-025

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of proposed Development Variance Permit NP-DVP-2018.9 (Cooke).

CARRIED

10.3 NP-TUP-2018.5 (Grimmer) - Staff Report

RPM Kojima provided an overview of the staff report and highlighted those areas that were beyond the scope of the report. He noted the recommendation to proceed no further and provided information on the processes should the LTC choose to accept the recommendation or not.

The LTC requested and received information from the staff and applicant on the following topics:

- Potential impact of this application on ground water and whether, should a problem arise in the future, future damages could be filed against the Islands Trust for making a decision contrary to the recommendations of the report.
- The ground water concerns included in the Environmental Assessment.
- Ongoing monitoring requirements outlined in the report and the manner by which these would exceed Islands Trust capacity.
- Alternatives and options for monitoring that could be required of the operator.
- Whether the applicant understands the potential associated costs with using this site under a TUP and is willing to accept the burden of these costs given the temporary nature of the permit.
- Additional studies and reports that would be required during the TUP process.
- The flow of water from the various ponds and their associated pH levels.
- The process, should the compliance agreement option be selected, and the process for a rezoning application including the timeframe and cost.

The LTC addressed, through their comments, the following points:

- The implication of this report's assessment for the waste transfer application on the same site.

- The Staff Report's provision for additional support to relocate the operation and ensure that the operation is not closed immediately.
- The concerns outlined in the Environmental Assessment and the associated costs to the operator for mitigating these issues.
- That, if the application proceeds, the high pH tank needs to be fenced to prevent inadvertent human contact.
- The irregularity of granting a TUP after the fact and the challenges created by this process.
- The future need for a permanent solution for this operation through rezoning.
- The importance of groundwater protection.
- The understanding that moving forward with the TUP application does not guarantee that the permit will be granted.

William Shulba noted that significance of the ground water and surface water interaction.

Trustee McConchie spoke in favour going forward with a compliance agreement and provided a rationale for this opinion.

Trustee Morrison spoke in favour of moving forward with the TUP application and provided a rationale for this opinion.

Chair Patrick spoke in favour of moving forward with the TUP application and provided a rationale for this opinion.

A discussion was held regarding the staff recommendations and the implications of each option for the community.

NP-2019-026

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proceed no further with Temporary Use Permit application NP-TUP-2018.5 (Grimmer) and that the North Pender Island Local Trust Committee direct Bylaw Enforcement staff to enter into a compliance agreement with the applicant that includes management measures to mitigate the risk of groundwater contamination and requires all industrial uses be ceased and associated equipment removed from the subject property by February 28, 2020. And that the North Pender Island Local Trust Committee direct planning staff to assist the applicant in finding an alternative site for the industrial operation on North Pender Island.

DEFEATED

A discussion of the motion was held including debate of the relative benefits of each option and the technical differences of each process moving forward.

RPM Kojima provided clarification on the differences between the compliance agreement and TUP options.

William Shulba provided clarification on the scope and purpose of the Environmental Assessment report.

NP-2019-027

It was Moved and Seconded,

that based on the potential risk to groundwater aquifers under and surrounding the subject property, and the potential risk to the downslope Riparian Area Regulation stream from surface runoff, the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust an updated Environmental Assessment report prepared by a qualified professional based on a Terms of Reference developed by Islands Trust staff.

CARRIED

Trustee Morrison provided a rationale for the motion and the benefits that it would have for the LTC, the applicant, and the community.

Trustee McConchie noted for the record that his preferred route was a compliance agreement, but that he would support proceeding with the TUP application process.

Note: A break was held from 12:43-12:53

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Groundwater Sustainability - Staff Report

William Shulba provided an overview of his report highlighting the importance of groundwater recharge, the factors influencing recharge, and the significance of this for Islands Trust purposes.

The Trustees requested and received further information on the following points:

- The methodology for the proposed project and the projected strength of the validity of that data moving forward.
- The uses of the data once it is obtained including climate models, data dashboards, and water budgets and the benefits of these products.
- The proposed budget and the rationale for that figure.
- The role of the Capital Regional District's data and boundaries.
- Whether this project can be included as a component of the Climate Change Adaptation, Mitigation and Resilience Project.
- Historical recommendations and the role of Trustees in setting priorities to access them.

NP-2019-028

It was Moved and Seconded,

that the North Pender island Local Trust Committee request staff to report back with a Project Charter for a Groundwater Sustainability Project that would develop information and data as part of a phased ecological approach to groundwater management on North Pender Island.

CARRIED

A member of the public requested and received information on William Shulba's credentials.

Sandor Csepregi requested and received information on how the data would be impacted in the event of an earthquake.

A member of the public requested and received information of the geographic scope of the project. The limitation to North Pender Island was noted.

Trustee Morrison addressed the importance of this data for future decisions on density and land use.

12. REPORTS

12.1 Work Program Report

12.1.1 Top Priorities Report Dated February 2019

Received for information.

12.1.2 Projects List Report Dated February 2019

Trustee Morrison recommended that the list be revisited at a future meeting.

12.2 Applications Report Dated February 2019

Trustee Morrison requested information on the process for updating the applications list.

12.3 Trustee and Local Expense Report Dated December 2018

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

12.6 Chair's Report

Chair Patrick reported that the recent survey regarding the Islands Trust Budget was completed and that within that survey climate change, housing, and water were the top priorities chosen by the public. She also noted that a similar online survey will be available regarding the user experience of the Islands Trust website.

12.7 Trustee Report

Trustee McConchie reported that he holds standing office hours in the islands Trust Office at the Driftwood Community Resource Centre between 10am-12pm on Wednesdays.

Trustee Morrison noted that her office hours will be posted on the website. She also reported that a public input meeting will be held on March 1, 2019 at 10 am at the Community Resource Centre regarding the Islands Trust Websites. She noted that RSVP is required and that people can attend in person or via Zoom.

Trustee Morrison further reported that Trust Council will be held March 12, 13 and 14 2019 and that she and a Gabriola Trustee have put forward a motion to declare a Climate Emergency in the Islands Trust area.

12.8 Islands Trust Conservation Report

None

13. NEW BUSINESS

13.1 Landowner Contact

RPM Kojima provided an overview of the request by the LTC and a summary of the report. He highlighted the options provided and provided a brief overview of each.

The LTC discussed each of the options and the value of promoting community awareness.

NP-2019-029

It was Moved and Seconded,

that the North Pender Island Local Trust Committee make "Landowner Education" a top priority to address points #4 and #5 in Staff Report dated February 28, 2019.

CARRIED

13.2 Advisory Planning Commission - Staff Memo

RPM Kojima provided an overview of the memo and the associated recommendation for a standing resolution.

NP-2019-030

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that 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.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for March 28, 2019, at the Community Hall, Pender Island

RPM Kojima provided an overview of the recommendation to cancel the March meeting and schedule a special meeting to consider applications.

NP-2019-031

It was Moved and Seconded,

that the North Pender Island Local Trust Committee cancel the March 28, 2019 meeting.

CARRIED

15. TOWN HALL

A member of the public requested and received information on the applications list and the nature of the application on Sidney Island.

A member of the public requested and received information on the APC and also information on the goals of the proposed communications regarding Development Permit Areas.

Michael Sketch recommended that the LTC consider ground truthing the DPAs to confirm the accuracy of the DPA maps.

RPM Kojima provided a history of the DPA map accuracy.

Michael Sketch noted that the property of MacDonald Farm is one of the few properties that is practical for digging down a berm and recommended that the property's use be carefully considered.

Michael Sketch requested that the LTC consider taking to Trust Council a recommendation to change the Minute Taking guideline and adopt a guideline more consistent with Robert's Rule.

A member of the public spoke in favour of placing the onus of understanding the DPA on the property owner.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close Meeting

NP-2019-032

It was Moved and Seconded,

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

- Adoption of In-Camera Meeting Minutes Dated September 6, 2018
- Appointment of BOV Members

AND that the recorder and staff attend the meeting.

CARRIED

A break was held from 2:12 p.m. until 2:17 p.m.

16.2 Recall to Order

Chair Patrick recalled the meeting to order at 2:26 p.m.

16.3 Rise and Report

That the LTC will advertise for expressions of interest for members of the Board of Variance.

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:27 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder

Follow Up Action Report

North Pender Island

31-Jan-2019

Activity	Responsibility	Target Date	Status
11.1 Waste management project - staff to report back with range of options within 3 months	Robert Kojima	17-Apr-2019	Done
Staff to draft letter to Ministry of Municipal Affairs and Housing supporting improvements to enforceability of DPA - to be drafted by Clare Frater		28-Feb-2019	Done

28-Feb-2019

Activity	Responsibility	Target Date	Status
6.1 Minutes - adopted as amended	Maple Hung	08-Mar-2019	Done
10.1 NP-DVP-2019.2 (Finalyson) - application denied	Sharon Lloyd-deRosario Phil Testemale	08-Mar-2019	Done
10.2 NP-DP-2018.9 (Cooke) - approved for issuance	Sharon Lloyd-deRosario Phil Testemale	08-Mar-2019	Done
10.3 NP-TUP-2018.5 (Grimmer) : 1. Staff to create a Terms of Reference for a supplemental professional report addressing measures to mitigate impacts - letter to applicant 2. Staff to incorporate measures from supplemental professional report into a draft TUP. 3. Staff to schedule a CIM once TUP is drafted	Phil Testemale William Shulba	17-Apr-2019	On Going
11.1 Groundwater Sustainability Project - staff to prepare Project Charter and initiate budget request for project	Robert Kojima William Shulba	08-Mar-2019	Done



Follow Up Action Report

13.1 - Add landowner contact as new Top Priority project and staff to request budget and initiate	Robert Kojima Phil Testemale	08-Mar-2019	Done
13.2 APC: staff to advertise for EOI - (MH - Done) (Will send out an advertisement again) update standing policies and resolutions to advertise prior to expiry of terms (DONE)	Sharon Lloyd-deRosario	08-Mar-2019	Done
14.1 Staff to cancel march 28th meeting MH - Done processes for cancelling the March 28th meeting.	Sharon Lloyd-deRosario Maple Hung	08-Mar-2019	Done
Minutes of the September 6th in-camera meeting adopted as presented	Maple Hung	08-Mar-2019	Done
Board of Variance - staff to advertise for Expressions of Interest for new members (ad to posted in Pender Post) (MH - prepared and sent to Pender Post for costs and proofs - will probably go out May 1st edition)	Jas Chonk Sharon Lloyd-deRosario Maple Hung	15-Mar-2019	Done
NP-RZ-2018.2 (shaw) - schedule Public Hearing for April LTC meeting - Ongoing	Sharon Lloyd-deRosario Phil Testemale	08-Mar-2019	Done



File No.: NPI Bylaw 220
(NP-RZ-2018.2)

DATE OF MEETING: April 25, 2019
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Victoria Office
SUBJECT: Post Public Hearing Report – Shaw Communications Rezoning
Applicant: Shaw Communications c/o Westbrook Consulting Ltd.
Location: 5827 Schooner Way

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Bylaw No. 220, cited as “North Pender Island Land Use Bylaw No. 103, 1996, Amendment No. 2, 2018”, be read a second time.
2. That the North Pender Island Local Trust Committee Bylaw No. 220, cited as “North Pender Island Land Use Bylaw No. 103, 1996, Amendment No. 2, 2018”, be read a third time.
3. That the North Pender Island Local Trust Committee proposed Bylaw No. 220 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

REPORT SUMMARY

The purpose of this report is to present Bylaw 220 for consideration of Second and Third Reading and referral to the Executive Committee of Islands Trust. Overall, the objectives of the bylaw is as follows:

- To allow the community service use on a portion of the subject property permitted by a Temporary Use Permit continuously since 2011. This will facilitate the permanent siting of the Shaw Communications service facility (internet and telecommunication services).

Specifically the Bylaw proposes the following:

- Bylaw 220 will rezone a portion of the subject property from **Commercial 1 (e) – C1 (e)** to a site specific **Community Service (p) - CS (p)** zone to permit the Shaw Communications service facility and yard. The only use permitted in the zone is the housing of equipment for the supply and distribution of telecommunications and cable service as a regulated service utility, not to include retail or office uses.

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 (LTC) *and prior to* the Public Hearing scheduled for April 25, 2019:

- At its February 28, 2019 Regular Meeting, a Community Information Meeting was held.
- On March 28, 2019, staff received a referral response for Bylaw 220 from the Islands Trust Conservancy (ITC). The response was forwarded to the LTC and subsequently posted on the North Pender website and included as part of the Public Hearing binder.
- On April 15, 2019 a written submission to the LTC responding to the concerns outlined in the foregoing ITC response was received, forwarded to the LTC, posted the North Pender website and included as part of the Public Hearing binder and forwarded to the applicant. That inventoried toxic materials (Fuel in Jerrycans and Batteries) and outlined existing and additional control measures to be taken in response. It also addressed the concern of impacts on nocturnal animals and committed to four (4) measures to mitigate.
- On April 17, 2019 a written response from the ITC to the applicant's submission of April 15, 2019 was received, forwarded to the LTC and subsequently posted on the North Pender website and included as part of the Public Hearing binder. It was also forwarded to the applicant and at the time of writing there has been no further response. Any submissions received prior to the Public Hearing will have been forwarded to the LTC, entered into the public record, and reported at the Public Hearing by staff.
- The outstanding concern of the forgoing response is covered under Section 3.2 of the LUBU 'Prohibited Uses' where Article 3.2.1 (3) prohibits "the disposal of storage of hazardous and toxic waste..."

BACKGROUND

The Local Trust Committee is considering bylaws to allow the permanent community service use for Shaw Communications service facility. A public hearing is scheduled for April 25, 2019. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

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

1. Consideration of Second and Third Reading.
2. Forwarding of the bylaw to Executive Committee for approval.
3. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
4. Reconsideration and adoption.

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

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

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

Rationale for Recommendations:

The applicants have submitted all requested professional reporting and responded to concerns; the consultation process has been concluded including referral of Bylaw 220 to applicable agencies, a Community Information Meeting and the Public Hearing scheduled for April 25, 2019. There are no amendments proposed for the proposed bylaw.

ALTERNATIVES

1. Make amendments to the bylaw(s)

The LTC may amend the bylaw provided the amendments would not alter use or increase density

Resolutions:

That the North Pender Island Local Trust Committee Bylaw No. 220, cited as “North Pender Island Land Use Bylaw No. 103, 1996, Amendment No. 2, 2018” be amended as follows ...

That the North Pender Island Local Trust Committee Bylaw No. 220, cited as “North Pender Island Land Use Bylaw No. 103, 1996, Amendment No. 2, 2018”, be read a second time as amended.

That the North Pender Island Local Trust Committee Bylaw No. 220, cited as “North Pender Island Land Use Bylaw No. 103, 1996, Amendment No. 2, 2018”, be read a third time as amended.

That the North Pender Island Local Trust Committee proposed Bylaw No. 220 as amended be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

2. Proceed no further

The LTC may decide to proceed no further with Bylaw 220.

Resolution:

That the North Pender Island Local Trust Committee proceed no further with Bylaw 220.

NEXT STEPS

1. Refer bylaw 220 to the Executive Committee of Islands Trust.
2. Once approved, report back to the LTC for Final Adoption of Bylaw 220
- 3.

Submitted By:	Phil Testemale, Planner 2	April 17, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	April 17, 2019

ATTACHMENTS

1. Bylaw No. 220 (1st Reading)

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 220

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

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2018”.

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

2.1 Subsection 8.10.7 Site Specific Regulations is Community Service (CS) Zone is amended by the insertion of the following row in the table after row CS (o):

CS (p)	Portion of THAT PART of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, Lying of the East of a Boundary Parallel to and Perpendicularly Distant 260 feet from the Easterly Boundary	Despite 8.10. 2, the only use permitted in this area is: the housing of equipment for the supply and distribution of telecommunications and cable service as a regulated service utility, not to include retail or office uses.
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2.1 Schedule “D” – Zoning Map, is amended by changing the zoning classification of a portion of THAT PART of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, Lying of the East of a Boundary Parallel to and Perpendicularly Distant 260 feet from the Easterly Boundary of Said Lot from Commercial 1 (e) – C1 (e) to Community Service (p) – CS (p), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “D” to Bylaw No. 103, 1996, as are required to effect this change.

3. SEVERABILITY

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

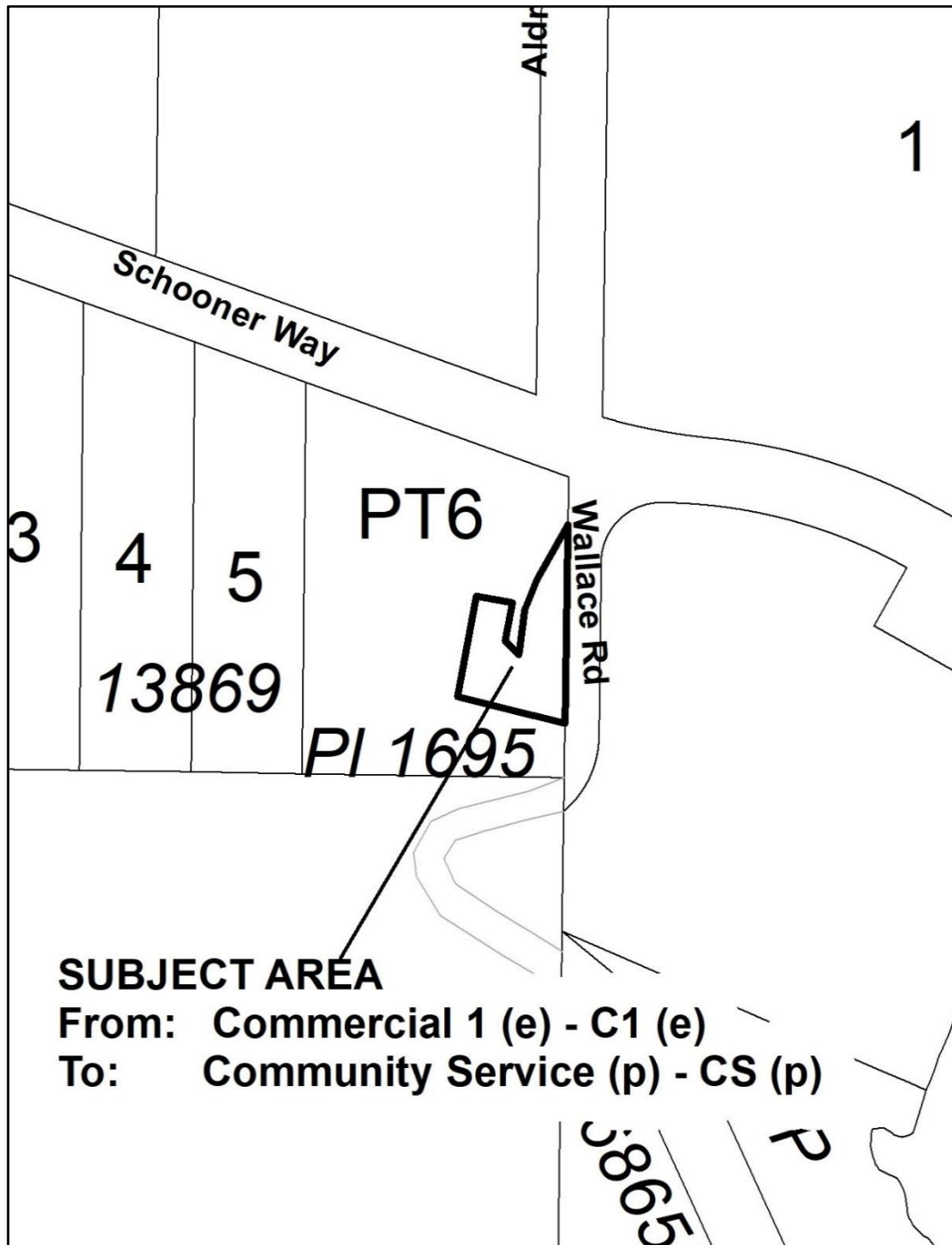
READ A FIRST TIME THIS 31ST DAY OF JANUARY 2019
PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____
READ A SECOND TIME THIS _____ DAY OF _____ 20____
READ A THIRD TIME THIS _____ DAY OF _____ 20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ 20____
ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 220

Plan No. 1



DATE OF MEETING: April 25, 2019
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY:
SUBJECT: Development Permit Application
Applicant: Ehren and Kayla Lee
Location: 36123 Galleon Way

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2018.10 (Lee)

REPORT SUMMARY

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

The application is for measures for the protection of the sensitive riparian habitat and construction management for proposed construction of an accessory building and small dock sited on Buck Lake within **Development Permit Area (DPA) Ten – Riparian and Aquatic**.

The specific objective of the designation of the DPA is:

To protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fishlife processes.

Copies of the Development Permit Area Checklist and proposed Development Permit NP-DP-2016.10 (Lee) are Attachment 3 & 7.

In summary, the above recommendation for the proposal is supported as the scope and size of construction in the DPA is small; the objectives and specific guidelines of the DPA have been met; and, all recommendations of a Riparian Areas Regulation (RAR) Assessment Report for the upland as well as a biologist's report for the water portion (dock and ramp) have been incorporated into the proposed DP.

BACKGROUND

The subject property is currently vacant and the owners are proposing to construct a modest dwelling, an accessory building and a small floating dock for their family's use and enjoyment. The proposed development is shown in Figure 2 and Attachment 2.4 and 2.6. The new dwelling will be approximately 100 m² (1076 ft²) in size and is outside of the DPA entirely. As such, it not considered as part of this application.

Within the DPA, there is a small accessory building (14.8 m²/145 ft²) proposed for day-use activities. The dock structure (float and ramp) includes a 15 m² (163 ft²) float and a ramp (10.4 m²/111 ft²).

The design of all buildings and structures are, at this time, conceptual. However, the sizes specified above and in the draft DP will be the maximum permitted. The applicant's design approach and considerations are discussed further in 'Issues and Opportunities' (below).

The property is a sloped and tiered lot that contours from Galleon Way in southwest direction toward the shoreline of Buck Lake (Attachment 2.3 and 2.7). There is a knoll feature that straddles the property boundary at the height of the property. The site has been disturbed by historic land use and is composed of an open, modified area with regenerating forest.

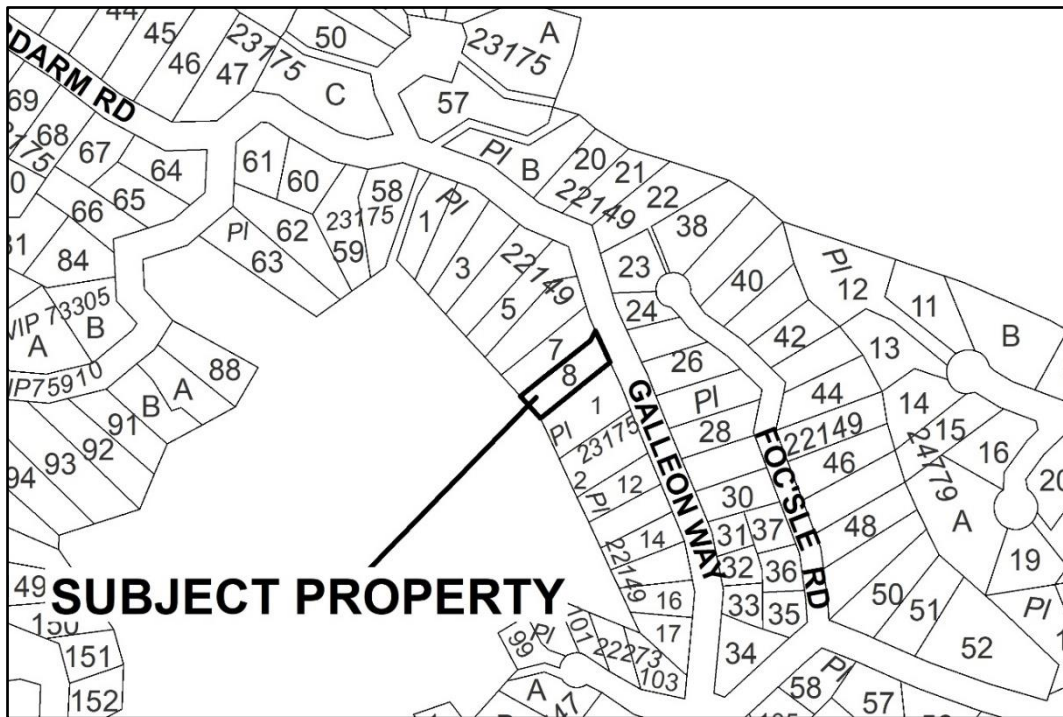
DPA 10 is designated on the property, therefore the applicants are required to comply with the DPA guidelines as well as provincial *Riparian Areas Regulations*. Accordingly, the applicant's hired Dan Baxter, R.P.Bio of Caurinus Environmental who prepared and submitted a Riparian Areas Regulation (RAR) Assessment Report ('RAR assessment report,' dated March 29, 2019 – Attachment 4) to the provincial Ministry of Forests, Lands and Natural Resources Operations and Rural Development (FLNRORD). Confirmation that it complied with the RAR methodology was given on April 2, 2016.

As RAR only applies to the upland portion and Dan Baxter is not an aquatic biologist, the applicant also hired Kathy Reimer, R.P. Bio. to complete a separate biological assessment for the proposed recreational dock (February 16, 2019 - 'Biologist's dock report' – Attachment 5). Approval under Section 11 of the *Water Sustainability Act* (works in and about a stream) is included as part of Attachment 5.

In addition to further analysis of the preceding professional reporting, the relationship of the RAR approval process, approvals under the WSA and the DPA is explained in 'Issues and Opportunities' - below.

Staff visited the property on December 18, 2018 (See Attachment 2.8 - Photos).

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Islands Trust Policy Statement:

- 3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
- 3.3.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

Official Community Plan:

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

Development Permit Area 10 (DPA) – Riparian and Aquatic is designated on the property as shown in Attachment 2.3.

[illegible]

The property is zoned as **Rural Residential (RR)** and **Water 6 (W6)** in the North Pender Island Land Use Bylaw No. 103, 1996 (Attachment 2.1). The siting of the proposed uses, density and siting meet the requirements of the LUB.

Scope of Residential Development

As part of the application, a cover letter was submitted that outlines the applicant's intentions and design considerations and philosophy (Attachment 6).

- *Situate the main building outside the 30m riparian assessment area,*

- *Design the extents and reaches of the main building and accessory building to avoid significant trees including large arbutus and conifers greater than 0.25m diameter,*
- *Minimize the building footprint to lessen site disturbance,*
- *Align trails on top of proposed utility-pipe trench locations (intent on one dig, one disturbance), Utilize a shared-driveway with neighbors to the north to minimize site disturbance yet still include the required 2 on-site parking stalls, and*
- *Employ design styles and materials that suit both neighboring properties yet without compromise to originality. (p.2)*

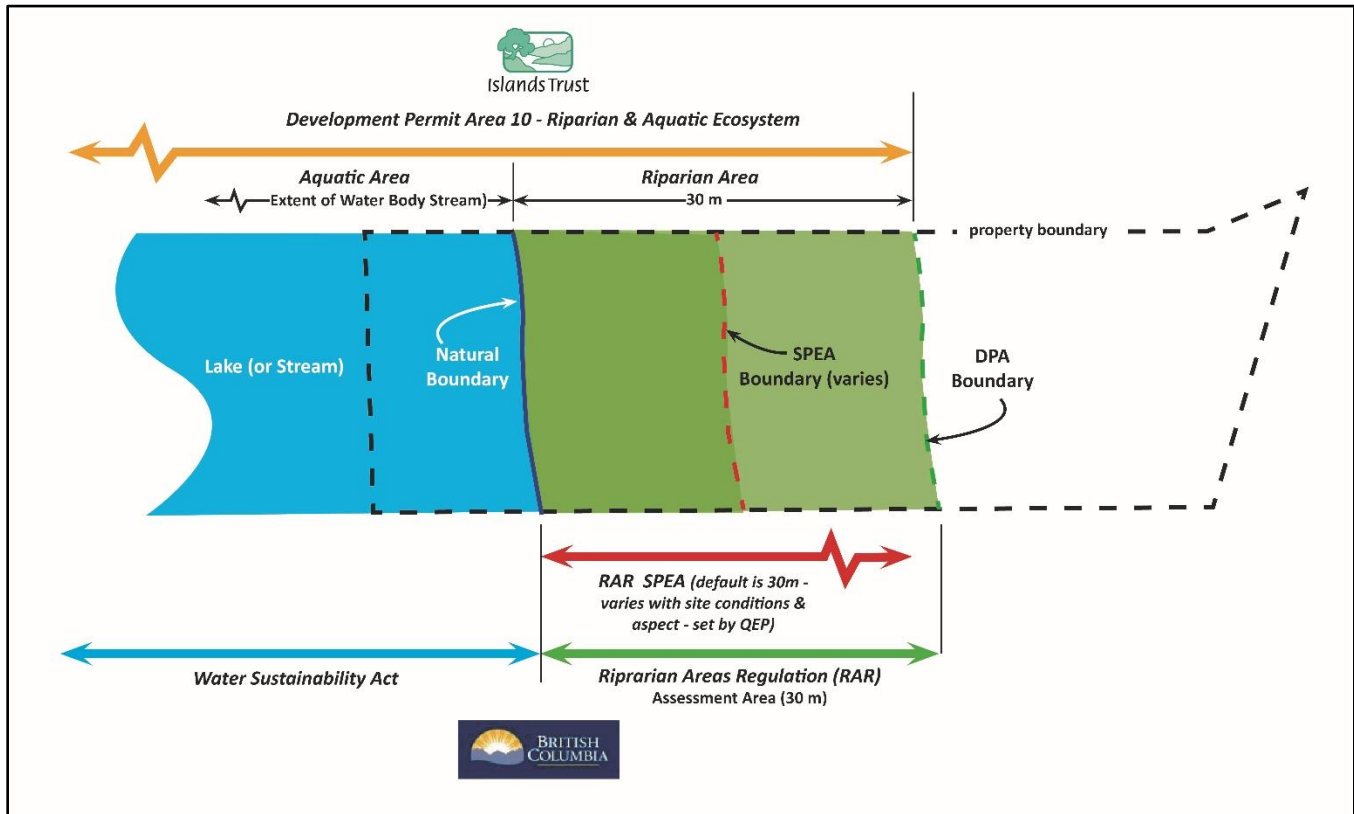
The RAR DP process

The following is a brief explanation of the Development Permit process and procedures for DPA 10 as it relates to the provincial requirements and approvals under the *Riparian Areas Regulations* and the *Water Sustainability Act*. Figure 3 shows how the regulations of the Islands Trust and FLNRORD overlap and interact.

The process with an application in DPA 10 is typically as follows:

- Applicant proposes development in the DPA and is advised by Trust staff that they should hire a Qualified Environmental Professional (QEP – typically a Registered Professional Biologist [RP Bio]).
- They are further advised that they are required to apply for a Development Permit from the Islands Trust. The DPA guidelines reflect the reliance on professional reporting, the RAR process as well as providing some specific guidelines for docks (see: Attachment 3)
- The QEP completes a Riparian Areas Regulation: Assessment Report and submits that directly to the FLNRORD. That report follows a prescribed methodology and establishes a Streamside Protection and Enhancement Area (SPEA – an area of no development) as well as mitigation measures for where and how development may proceed.
- FLNRORD reviews the Assessment Report and indicates if the RAR methodology has been met. The Islands Trust as local government is informed directly of the review results. Changes or amendments may be required by FLNRORD.
- Once methodology has been confirmed, the processing of the DP proceeds with staff drafting of a DP including the conditions and recommendations contained in the RAR Assessment Report.
- In the circumstance where works such as floats are proposed below the natural boundary of the stream (lake, water body), the DPA Guidelines outline specific conditions. In addition, the *Water Sustainability Act* applies and the QEP must apply for a Section 11 permission from FLNRORD for those works. Again, any recommendations are incorporated into the Draft DP.
- All DPs require that any proposed works include monitoring by a QEP and that a completion letter be submitted by the QEP within a month of the construction being completed.
- The DP is submitted to the LTC for consideration of approval for issuance.

Figure 3



RAR Assessment Report

The required RAR Assessment Report (Attachment 4) was prepared and submitted to FLNRO by Dan Baxter, R.P.Bio. The original report was amended based on FLNRORD feedback and the methodology was approved on April 2, 2019.

The assessment report undertook a detailed site inventory and documented the habitat conditions for Flora, Birds, Mammals, and Amphibians and Reptiles. No rare species, species at risk or hibernacula were found on the property (pp.4-7). The report establishes three zones of sensitivity (ZOS) based on three riparian functions: Leaf Litter; Inputs of Large Woody Debris; and, Shading to control water temperature. (Attachment 2.4).

The RAR assessment report established the Streamside Protection and Enhancement Area (SPEA) on the property and measures for protection and enhancement of that area. This was assigned at 15 m perpendicular from the high water mark of the lake.

The proposed small accessory building is outside of the SPEA. A small portion of the dock's ramp access infringes on the SPEA. In addition, a minimal access earthen (foot) path is to be developed under the

supervision of the monitoring QEP. Access for recreation is permitted in the implementation guidelines for RAR and therefore the portion of the ramp in the SPEA is acceptable.

Measures for the protection of the DP area and SPEA are recommended in the report and have been incorporated in to the DP under the categories of *General, Tree and Plant Protection, Construction Management, Sediment and Erosion Control Stormwater Management, Delineation of SPEA and Monitoring*. A DP Guideline checklist completed by the QEP is attached to the assessment report. Adherence to the conditions of the DP and monitoring will mitigate impacts from the proposed development to the riparian areas within the SPEA and benefit of the property as a whole.

The report concluded that the property owners are committed to retaining and implementing any improvements necessary as much as possible of the natural features and character of the property and implementing the measures will help retain and enhance ecological value while still providing the space needed for construction of the dwelling.

Biologist's Dock Report

The Biologist's dock report (Attachment 5) described the development, inventoried the habitat values and made recommendations for mitigation of impacts. The latter were assigned under: *Measures to foreshore SPEA during dock placement; Measures to prevent negative impacts and to reduce disturbance below the High water Mark (HWM); and, Measures to prevent equipment from disturbing the foreshore lake*. The report includes a completed DPA Checklist.

All recommendations of the Biologist's dock report were incorporated into the RAR report, and have been incorporated into the proposed DP under the categories of *Protection of Aquatic Area (Below High Water Mark – HWM); Dock and Ramp Construction and Protection of the Foreshore*

The report concluded "...if the (following) measures are implemented, there should be very little negative impact on the foreshore of the lake and the water quality in it." (p.3).

Consultation:

There is no public or agency consultation regularly associated with a Development Permit application. In addition, there is no statutory notification required.

Rationale for Recommendation:

In summary, the recommendation on page 1 is supported as the scope of the development is small, the objectives and specific guidelines of the DPA have been met, and all recommendations of a Riparian Areas Regulation (RAR) Assessment Report as well as the biologist's report for the water portion (dock and ramp) have been incorporated into the proposed DP.

ALTERNATIVES

The LTC could consider the following alternatives to the above recommendations:

1. Request further information

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

Resolution:

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

2. Deny the application

The LTC may deny the application if a DP guideline has not been met. If this alternative is selected, the LTC should state the guideline(s) that has not been met.

Resolution:

That the North Pender Island Local Trust Committee deny application NP-DP-2018.10 (Lee) as the following guideline(s) have not been met _____.

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Phil Testemale, Planner 2	April 10, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	April 16, 2019

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. DPA Guidelines Checklist
4. Biologist's RAR Report (*revised* March 25, 2019 – with Provincial 'review' confirmation)
5. Biologist's Dock Report (February 16, 2019 - with Provincial change approval)
6. Applicant's submission letter (*revised* dated February 18, 2019)
7. Draft Development Permit (NP-DP-2018.10)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 8, Section 10, Pender Island, Cowichan District, Plan 22149
PID	003-322-645
Civic Address	36123 Galleon Way

LAND USE

Current Land Use	Vacant – Residential proposal
Surrounding Land Use	Rural Residential

HISTORICAL ACTIVITY

File No.	Purpose
None	

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR - Rural Residential in the North Pender Island Official Community Plan No. 171, 2007 (OCP). Development Permit Area Ten – Riparian and Aquatic Habitat designated as shown in Attachment 2.2
Land Use Bylaw	The subject property is zoned as Rural Residential in the North Pender Island Land Use Bylaw 103, 1996.
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A.

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	QEP Report (Attachment 4) identified no species at risk or potential.
Sensitive Ecosystems	Riparian and aquatic (subject of current application)
Hazard Areas	Low Risk Slope Hazard Areas shown on Attachment 2.3
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be

	needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Protection and enhancement of SPEA through the RAR and DP process will benefit GHG emissions through tree and ground cover retention and lake temperature moderation. Actual development in DPA is limited. Elevation limits many climate change induced hazards (i.e. sea level rise.)
Shoreline Classification	Not Applicable

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO WITH ZONING



2.2 DPA

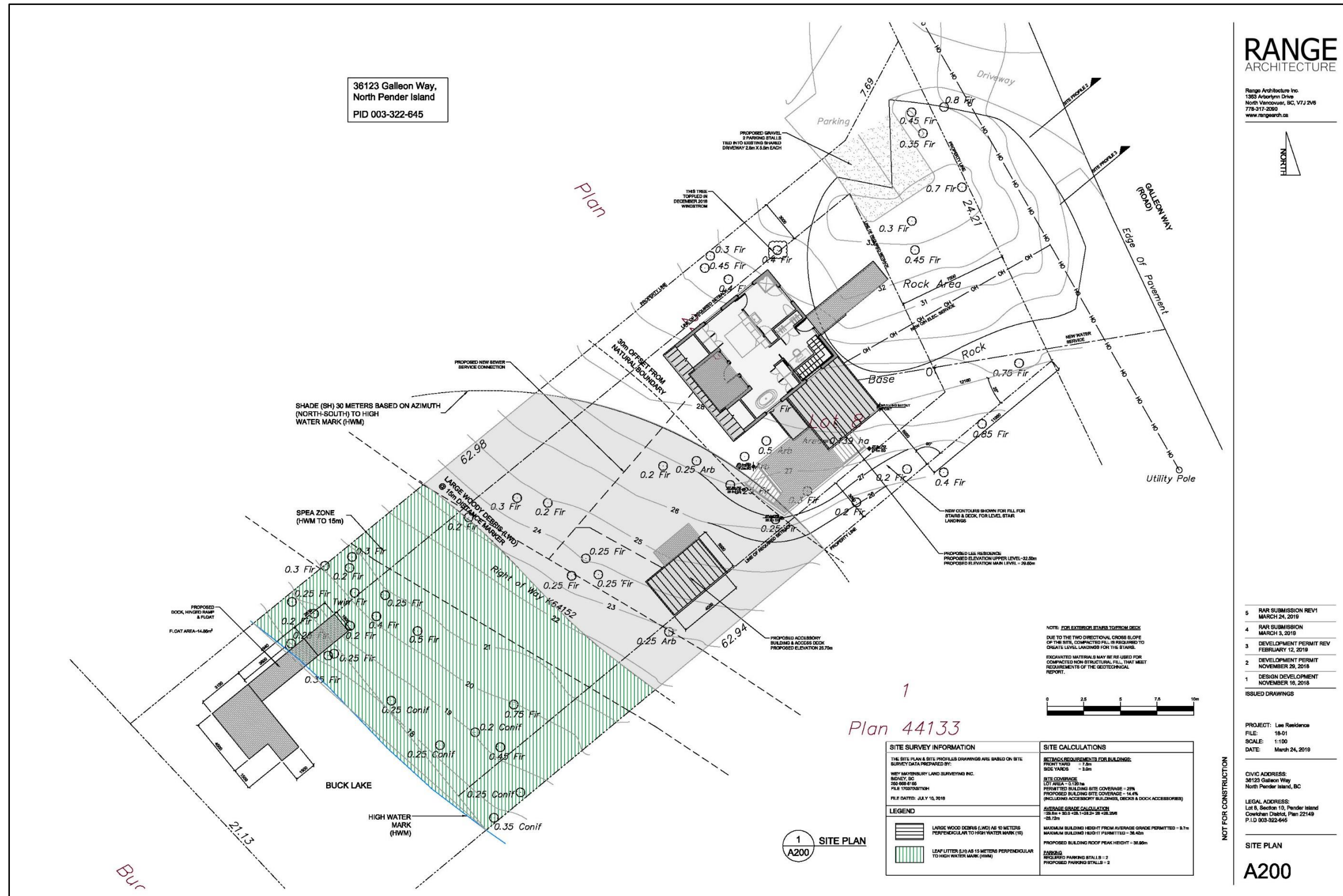


2.3 STEEP SLOPE HAZARD MAPPING

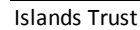


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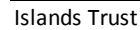
2.5 RAR MAPPING



Islands Trust



Islands Trust



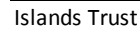
Islands Trust

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Islands Trust

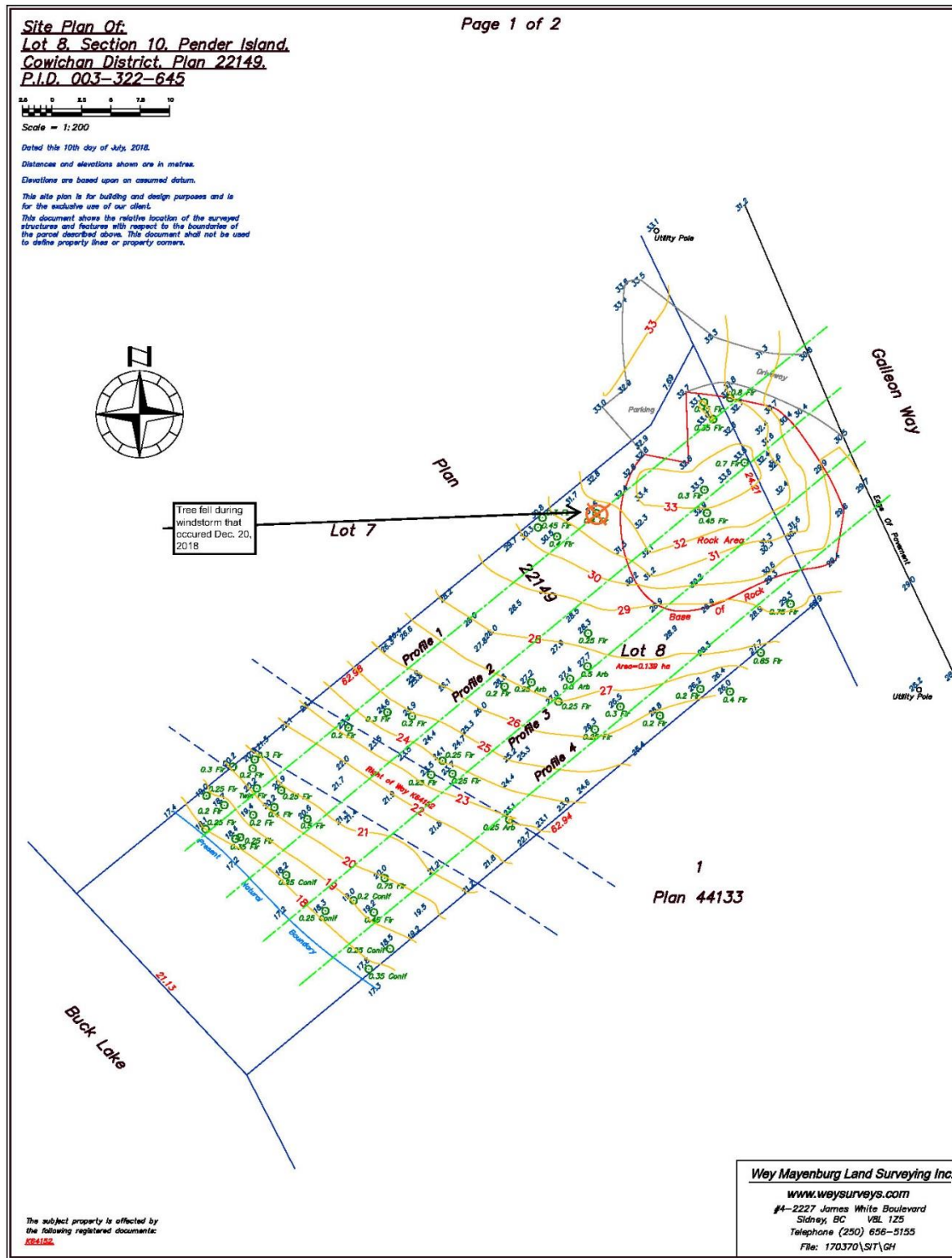
Islands Trust

Islands Trust

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Islands Trust

2.7 SITE SURVEY



2.8 PHOTOGRAPHS

View southwest toward Buck Lake/DPA on property

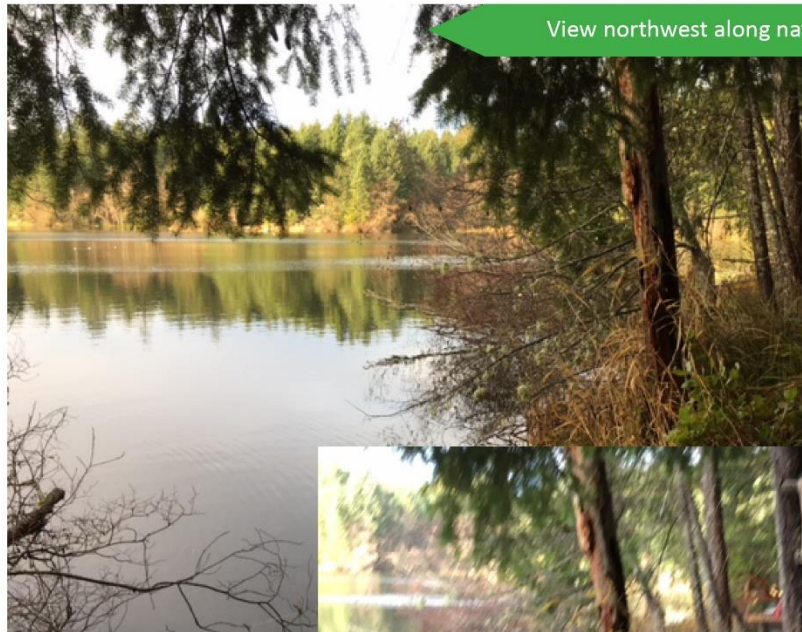


View southwest - DPA Ten - Riparian Ecosystem



View along southeast property boundary

2.8 PHOTOGRAPHS (CONT'D)



View northwest along natural boundary



View northwest along natural boundary of Buck Lake



View southwest along natural boundary of Buck Lake

Riparian and Aquatic DPA Checklist: NP-DP-2018.10 (Lee)
New Dwelling and Dock

Guidelines	Comments
1. In general, all development in this DPA should be undertaken in a manner that minimizes impacts on the riparian area and on aquatic ecosystems, including from the application of pesticides and other chemicals for non-essential cosmetic purposes. Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and aquatic ecosystems, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and aquatic ecosystems, consistent with the measures and recommendations described in the report.	<i>Riparian Areas Regulations</i> (RAR) Assessment Report was prepared by Dan Baxter, R.P.Bio of Caurinus Environmental and submitted to the provincial Ministry of Forests, Lands and Natural Resources Operations and Rural Development (FLNRORD) on February 18, 2019. The report was updated on March 29, 2019 to include a portion of the dock's ramp in the SPEA and Kathy Reimer's recommendations (see 4. –below). FLNRORD confirmed that it complied April 2, 2019. Conditions based on recommended measures in RAR Assessment Report have been placed in draft DP for <i>General, Tree Protection, Construction Management, Sediment, Erosion Control, Stormwater Management, Delineation of the SPEA and Monitoring</i>.
2. The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP, and the owner should be required to implement a plan for protecting the SPEA over the long term through measures that may be implemented as conditions of the development permit.	Complies – no development in SPEA other than dock's ramp and natural access path (both permitted in SPEA under RAR Implementation Guidelines and FLNRORD review).
3. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.	Conditions in draft DP.
4. The following guidelines are applicable to floats and associated structures within the development permit area: i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the feature;	A Biologist Report prepared by Kathy Reimer R.P. Bio. analyzed and made recommendations for mitigation for the proposed dock float and access ramp (February 16, 2019 – Attachment 5). Conditions in the DP are based on recommended measures in the report have been placed in draft DP for <i>Protection of Aquatic Area, Dock and Ramp Construction, and Protection of the Foreshore</i>.

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

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Regulation: Assessment Report

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

March 25, 2019

Date

I. Primary QEP Information First Name

Last Name	Daniel	Middle Name	
Designation	Baxter		
Registration #	RPBio	Company - Caurinus Environmental	
Address	1999	Email caurinusenvironmental@gmail.com	
City	3601 Masthead Crescent		
Prov/state	Pender Island	Postal/Zip V0N 2M2	Phone # 250-222-4571

II. Secondary Information

BC	Country	Canada	
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QEP (use Form 2 for other QEPs)

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

III. Developer Information

First Name	Ehren	Middle Name	
Last Name	Lee		
Company			
Phone #			
Address		Email	elee@urbansystems.ca
City	36123 Galleon Way		
Prov/state	Pender Island	Postal/Zip	V0N 2M2
	BC	Country	Canada

IV. Development Information

Development Type	Rural Residential		
Area of Development (ha)	0.05	Riparian Length (m)	21
	0.33	Nature of Development	House Construction
Proposed Start Date	April 2019	Proposed End Date	December 2019

Lot
Area
(ha)
0.33

V. Location of Proposed Development

Street Address (or nearest town)	36123 Galleon Way						
Local Government	Islands Trust				City	Pender Island	
Stream Name	Buck Lake						
Legal Description (PID)	003-322-645				Region	Vancouver Island	
Stream/River Type	Buck Lake				DFO Area	South Coast Are	
Watershed Code	925-258000-15500						
	48°	46'	29.4	Longitude	123°	17'	58.58
			7"N				"W

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Latitude

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed. Insert that form immediately after this page.

Form 1
Table of Contents for Assessment Report

Page 1 of 24

Page Number

1. Description of Fisheries Resources Values	
2. Results of Riparian Assessment (SPEA width)	
3. Site Plan	
4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
1. Danger Trees	
2. Windthrow	
3. Slope Stability	4.
Protection of Trees	
5. Encroachment	
6. Sediment and Erosion Control	7.
Floodplain	
8. Stormwater Management	
5. Environmental Monitoring	
6. Photos	
7. Assessment Report Professional Opinion	

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

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

In August 2018, Caurinus Environmental was contracted by Ehren Lee to complete an environmental inventory and impact assessment for the construction of a new singlefamily home on the property, an accessory building and a recreational dock (See attached PDF Letter - [Galleon Way dock DPA letter.pdf](#) & [Response to Section 11 Notification 1004446 - Buck Lk.pdf](#)) on the foreshore of Buck Lake inside the designated riparian and aquatic ecosystem located on Pender Island at 36123 Galleon Way. The subject property is composed of sandstone rock, conglomerate rock, and coarse textured, well-drained soil. The subject property fronts Buck Lake located on the western boundary. Buck Lake is a man-made lake formed by raising the water level with earthen dams to provide drinking water to residents; these levels are managed from May 1 to September 30 annually. Buck Lake (watershed code 925-258000-15500; waterbody identifier 00049; FISS 2018) is located on North Pender Island, British Columbia and receives an average annual precipitation of 850 mm (Weather Network 2018). Buck Lake has a maximum depth of 9.7 m with a perimeter of 1.5 km and a surface area of 10.5 hectares (ha) at an elevation of approximately 69 meters (Atlas of Canada 2018). No fish are documented for Buck Lake, although direct observations of Rainbow trout (*Oncorhynchus mykiss*) have occurred by a RAR survey team in 2006, and by local residents (Wilmott 2010). This species prefers cooler water temperatures with adequate shallows, as well as large woody debris and vegetation for foraging opportunities and cover. Rainbow trout primarily feed on insects such as midges, mayfly, dragonfly, damselfly and leeches (British Columbia 1998).

The subject area consists of a tiered slope beginning near the southeastern property boundary near Galleon Way, and continuing towards Buck Lake on the northwestern side of the property. The purposed area is currently zoned RR2 (Rural Residential) and is surrounded by RR2 zones to the east and west, with Buck Lake to the south. The subject property is accessed on 36123 Galleon Way near Buck Lake (Figure 2). The property begins at the northeast corner, and continues in a southwest direction towards Buck Lake. The site has been previously disturbed by historic land use and is composed of an open modified area with regenerating forest.

Riparian vegetation around Buck Lake is very limited as it is surrounded by residential developments with houses and landscaping present up to the water's edge

Flora

The ecosystems on the property categorized by the Islands Trust (Figure 3) were as follows:

- 3132: 80% Coastal Douglas-Fir, Rural Residential, 20% Rural Residential
- 3418: 100% Coastal Douglas-Fir, Rural Residential
- The Riparian and Aquatic DPA: 2635: 100% Douglas-Fir-Salal, Riparian

The following section summarizes the provincial Terrestrial Ecosystem Mapping TEM - ecosystems found on the subject property site. The following ecosystems were identified in a literature review and confirmed during the survey of the property:

CDFmm: Coastal Douglas-fir Zone, Moist Maritime

- CDFmm DS/01: Douglas-fir – Salal

Forested site dominated by Douglas-fir with association with grand fir (*Abies grandis*) and western red cedar. Typical site conditions for zonal DS forests are mid- to upper slope positions and gentle topography. Soils are most often moderately-well to well drained and medium-textured loamy soils. Understory species can include snowberry and birch-leaved spirea (*Spiraea betulifolia*), salal, dull Oregon-grape, ocean-spray (*Holodiscus discolor*), sword fern and Oregon beaked moss (*Eurhynchium oregonum*). During the site visit, all provincially Red- and Blue-listed species as well as Species at Risk Act-scheduled species were assessed for possible occurrence on the site subject property. A short list of these species (Table 1) that could potentially be found on the site was developed for more detailed assessment

Table 1. Short list of Red- and Blue-listed plant species by the B.C. Conservation Data Centre (CDC) and Species-at-Risk Act (SARA) scheduled species including their status as rated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that could occur on Pender Island, B.C.

Common Name	Genus Species	CDC List	COSEWIC Status	SARA Schedule
graceful arrow-grass	Triglochin concinna	Blue		
dense spike-primrose	Epilobium densiflorum	Red	Endangered	1
Henderson's checker-mallow	Sidalcea hendersonii	Blue		
erect pygmyweed	Crassula connata var. connate	Red		
slender popcornflower	Plagiobothrys tenellus	Red	Threatened	1
Lindley's microseris	Uropappus lindleyi	Red	Endangered	1
Spanish-clover	Acmispon americanus var. americanus	Blue		

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Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

graceful arrow-grass	Triglochin concinna	Blue		
chaffweed	Anagallis minima	Blue		
purple sanicle	Sanicula bipinnatifida	Red	Threatened	1
coast manroot	Marah oregano	Red	Endangered	1
contorted-pod eveningprimrose	Camissonia contorta	Red	Endangered	1

Site Inventory Description:

All polygons on the property have been previously disturbed either from clearing for development or selective logging. The area surveyed was comprised solely of the Riparian and Aquatic DPA.

The area of the property that falls within the dominant polygon of Douglas-fir – Salal classification has a cooler aspect than is typical. In the riparian, the dominant vegetation consists of young to mature Douglas fir, alder (*Alnus* sp.), salal, willow (*Salix* sp.), and ocean-spray with a variety of native and non-native grasses along the shore. Plant species present include the invasive species: scotch broom (*Cytisus scoparius*) and spurge-laurel (*Daphne laureola*), as well as native species including dull Oregon-grape, salal, hairy honeysuckle (*Lonicera hispidula*), Oregon beaked moss, slough sedge (*Carex obnupta*), rattlesnake plantain (*Goodyera pubescens*), and moss sp.. No species from Table 1 were detected; however, the timing of our investigation (mid-fall) would not preclude their potential occurrence at some other point during the growing season (this would apply to all plant species). Given the prior disturbance to the area, however, it is unlikely that rare species would be found on site at any time of year.

Fauna

During the site visit, all provincially Red- and Blue-listed species as well as Species at Risk Act scheduled species were assessed for possible occurrence in the site subject property. A short list of these species (Table 2) that could potentially be found on the site was developed for more detailed assessment. This wildlife assessment only considers vertebrate animals.

Table 2. Red- and Blue-listed vertebrate species designated by the B.C. Conservation Data Centre (CDC), and Species at Risk Act (SARA)scheduled species including their status as rated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), that could occur on Pender Island, B.C.

Common Name	Genus Species	CDC List	COSEWIC Status	SARA Schedule
<u>AMPHIBIANS AND REPTILES</u>				

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Western Toad	Anaxyrus boreas	Blue	Special Concern	1
Painted Turtle (Pacific Coast Population)	Chrysemys picta	Red	Endangered	1
Red-Legged Frog	Rana aurora	Blue	Special Concern	1
Sharp-tailed Snake	Contia tenuis	Blue	Threatened	1
<u>BIRDS</u>				
Olive-sided Flycatcher	Contopus cooperi	Blue	Threatened	1
Black Swift	Cypseloides niger	Blue	Endangered	1
Barn Swallow	Hirundo rustica	Blue	Threatened	1
Band-tailed Pigeon	Patagioenas fasciata	Blue	Special Concern	
Great Blue Heron, fannini subspecies	Ardea herodias fannini	Blue	Special Concern	1
Northern Goshawk, laingi subspecies	Accipiter gentilis laingi	Red	Threatened	1
Western Screech-Owl	Megascops kennicottii macfarlanei	Blue	Threatened	1
<u>MAMMALS</u>				
Little Brown Myotis	Myotis lucifugus	Yellow	Endangered	1
Keen's Myotis	Myotis keenii	Blue		
Townsend's Big-eared Bat	Corynorhinus townsendii	Blue		

The study area was carefully assessed for evidence of recent or past use by wildlife species. The following species were detected during the survey of the property:

Birds

The following four bird species were observed during the site visit. Four were observed on or near the subject property. The birds detected on site are typical for the area in late summer. No species at risk were detected. No passerine, heron or raptor nests were detected during the site visit.

Table 3. List of bird species detected or observed at 36123 Galleon Way (Pender Island, BC).

Common Name	Genus Species
Terrestrial	
Golden-crowned kinglet	Regulus satrapa
Nothern flicker	Colaptes auratus
Chestnut-backed Chickadee	Poecile rufescens
Red-breasted nuthatch	Sitta canadensis

Mammals

One species of mammal was detected during our site visit, and no species at risk were detected. Mammal sign and observations are summarized below:

- ☐ Black-tailed deer (*Odocoileus hemionus columbianus*) visual and pellets

Other mammals that may be on site but which were not directly surveyed include small rodents and bats. Suitable habitats for roosting and nursery sites are not present on site. Suitable sites would include both clefts in steep rock outcrops, and standing dead trees with hollow interiors or with bark flaking off in large pieces (Nagorsen and Brigham 1993).

Amphibians and Reptiles

No amphibians or reptiles were detected on site. No hibernacula were found on the property.

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Section 2. Results of Riparian Assessment (SPEA width)

Attach or insert the Form 3 or Form 4 assessment form(s). Use enough duplicates of the form to produce a complete riparian area assessment for the proposed development

Refer to Chapter 3 of Assessment Methodology

Date: Feb 18, 2019

Description of (number, type)		Water bodies involved	
Stream			Buck Lake
Wetland			
Lake	X		
Ditch			
Number of reaches			
Reach #			

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

Channel Width(m)			I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ehren Lee</u> (name of developer) ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Gradient (%)			
starting point			
upstream			
downstream			
Total: minus high /low mean			
Channel Type	R/P	S/P	

Site Potential

Vegetation Type (SPVT)

Yes No

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

SPVT Polygons

	X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
		I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ehren Lee</u> (name of developer) ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No:

SPVT Type

LC	SH	TR
		X

Method employed if other than TR

Polygon No:

SPVT Type

LC	SH	TR

Method employed if other than TR

--	--	--

Method employed if other than TR

Polygon No:

SPVT Type

Zone of Sensitivity (ZOS) and resultant SPEA

Segment	If two sides of a stream involved, each side is a separate segment. For all water No: bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel 15	Stability					
ZOS (m)						
Litter fall and insect drop 15	ZOS (m)					
Shade ZOS (m) max	15	South bank	Yes	X (West	No	
Ditch Justification description for classifying as a ditch (manmade, headwaters or springs, seasonal flow)		Bank				
Ditch Fish Yes	No	If non fish bearing insert no fish bearing status report				
Bearing						
SPEA maximum	15	(For ditch use table 3-7)				

I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that:	
a)	I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;
b)	I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ehren Lee</u> (name of developer) ;
c)	I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d)	In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Comments

The Riparian Areas Regulation (RAR; British Columbia 2006) is invoked when a development activity is proposed within 30 m of the high water mark (natural boundary) of a lake or stream, or the subject property is within 30 m of a lake or stream. The default setback for a defined Streamside Protection and Enhancement Area (SPEA) in most properties is 30 m.

RAR outlines an assessment methodology to determine the appropriate SPEA width and measures to maintain the integrity of the SPEA. Two assessment methodologies are available: simple and detailed. A detailed assessment methodology was undertaken for this project to provide a site-specific evaluation based on three riparian functions, or zones of sensitivity:

- Leaf Litter
- Inputs of Large Woody Debris and
- Shading to control water temperature.

Measures, or distances, for the Zones of Sensitivities (ZOS) are determined for each of the three categories. The SPEA is determined using the maximum of the three ZOS, with potential for additional measures.

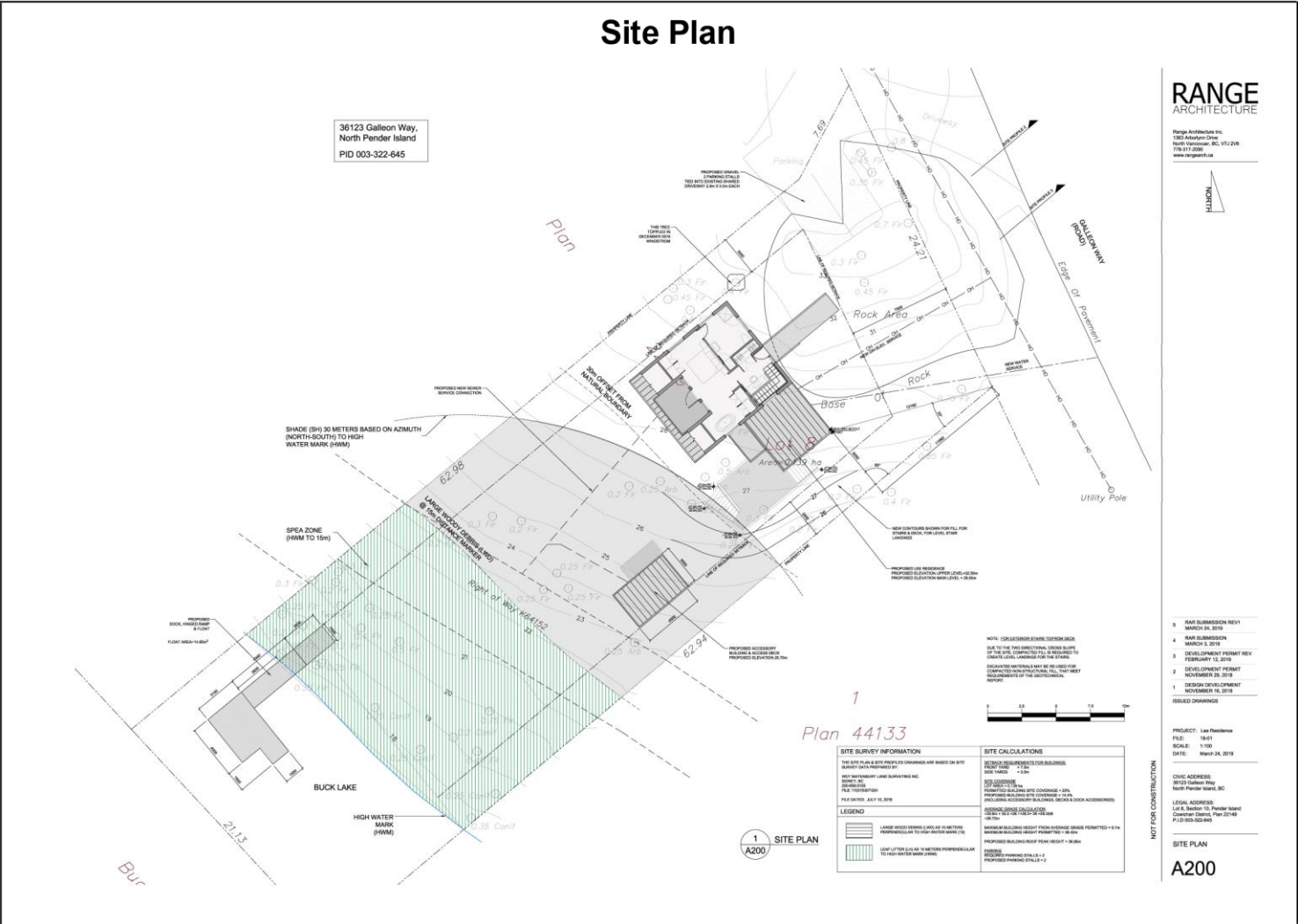
The High Water mark (HWM) for Buck Lake was determined to be the annual average winter water levels.

The final calculations for the subject property applied the site potential vegetation (SPVT) of treed (TR) as the final variable. The following distances of the three ZOS of Buck Lake for the subject property were then determined as:

- Leaf Litter (LH) as 15 m perpendicular to HWM
- Large Woody Debris (LWD) as 15 m perpendicular to HWM
- Shade (SH) 15 m based on azimuth (north-south) to HWM

Under the Detailed Assessment methodology, lakes, wetlands and ponds are associated with default 15 m - 30 m SPEAs depending on aspect. The SPEA width for the subject property is determined by the larger ZOS and would be set at 15 m under the RAR as the minimum allowable with the Leaf Litter and Large Woody Debris as the largest of the three ZOS. Based on the function provided by shade, banks facing North are generally designated as having a maximum SPEA of 30 m SPEA, whereas south, west and east facing banks are associated with 15 m SPEAs. Since this property has a west facing bank, the Shade ZOS for this property is 15m. Based on the above ZOS, we therefore assessed the SPEA setback for Buck Lake at 36123 Galleon Way to be 15 m.

Section 3. Site Plan
Insert jpg file below



Section 4. Measures to Protect and Maintain the SPEA

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

1. Danger Trees

No obvious danger trees noted

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ehren Lee</u> (name of developer) ; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	No windthrow trees noted
I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ehren Lee</u> (name of developer) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
3. Slope Stability	The site has low slope with no signs of instability or risk.
I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ehren Lee</u> (name of developer) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
4. Protection of Trees	All trees within the 15 m SPEA will be retained, as the home owners have committed to preserving the character of the property
I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ehren Lee</u> (name of developer) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
5. Encroachment	No encroachment
I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ehren Lee</u> (name of developer) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
6. Sediment and Erosion Control	Although there are no erosion concerns; When development begins, BMPs such as silt fencing and tarping of exposed soils will be utilized to manage any potential sediment migration
I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ehren Lee</u> (name of developer) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

7. Stormwater Management	Stormwater will be returned to ground. During and upon completion of dwelling construction, all runoff from eavestroughs should be diverted away from the Riparian area.
I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ehren Lee</u> (name of developer) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
8. Floodplain Concerns (highly mobile channel)	No Concerns
I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ehren Lee</u> (name of developer) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

Section 5. Environmental Monitoring

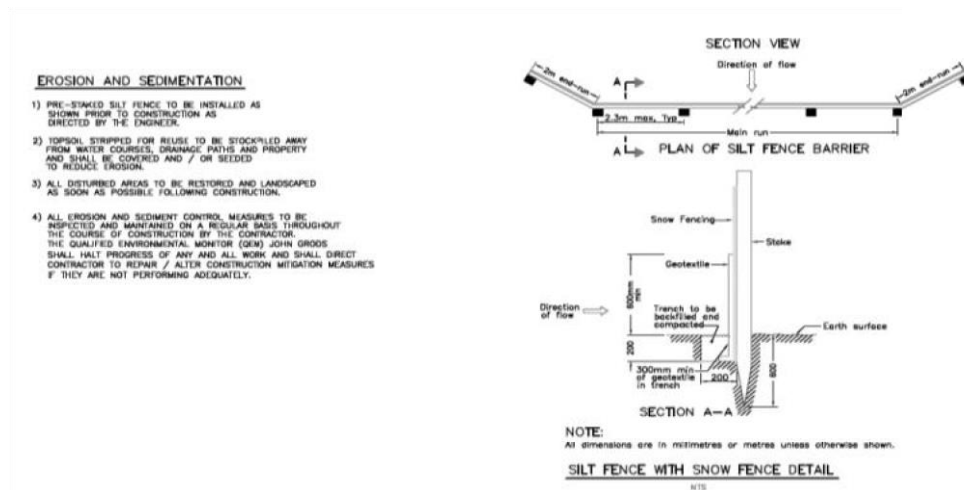
Attach text or document files explaining the monitoring regimen Use your “return” button on your keyboard after each line. It is suggested that all document be converted to PDF before inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications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

Mitigation and Recommendations

Considerations and recommendations are for the benefit of the whole property area. The property owners have committed to retaining and implementing any improvements necessary to the natural features and character of the property. The following measures will help retain and enhance ecological value while still providing the space needed for construction of the dwelling:

General Recommendations -

1. Prior to construction, areas outside the building footprint SW of the building footprint will be delineated with temporary fencing and erosion controls, as



illustrated below, to prevent sediment movement into the riparian area.

2. Temporary fencing shall be accompanied by silt fencing and erosion control measures.
3. No storage of building materials in the riparian setback area.
4. The removal of invasive species (Scotch broom, spurge-laurel) is recommended throughout the entire property to prevent their continued spread and improve the quality of natural areas.
5. The steep natural rocky boundary (generally delineated by the CRD Right of Way) protects the riparian edge and gives protection from runoff and erosion; this feature should be left in its natural state.
6. Landscaping and restoration of natural areas should be conducted using only native plant species.
7. Minimize disturbance and maintain undeveloped habitat in as natural a state

Form 1

as possible.

8. Any hired contractors should inspect their equipment and vehicles to ensure they do not transport invasive plant species seeds onto or off the property. All equipment should be washed prior to arrival. Manual removal of weeds should be performed regularly.
9. Contractors should not allow their equipment to come into contact with existing trees.
10. A spill kit will be present on all equipment.
11. Any exposed soils for prolonged periods, i.e., greater than 2 weeks, shall be covered. Covering may include tarping, or hydromulch (without seed mixture) and must be maintained.
12. All work should be completed during dry weather. Construction, landscaping and grading works will not occur during rain deposition events.
13. Avoid tree removal during peak breeding bird timing window (April 1st to July 31st).
14. During and upon completion of dwelling construction, all runoff from eavestroughs should be diverted away from the Riparian and Aquatic DPA.

SPEA protection (general)

If the following measures are implemented, there should be very little negative impact in the SPEA.

1. The SPEA must be marked with flagging and no encroachment will occur during the construction of the single-family and accessory building.
2. Temporary fencing will demarcate the SPEA to prevent any unnecessary encroachment. This will help reduce disturbance and prevent soil compaction.
3. Trees and their root zones adjacent to dock footings within the SPEA will be individually bounded by flagging or fencing to establish physical barriers that will prevent tree damage or disturbance by dock construction activities.
4. Clearly delineate a pathway so traffic through the SPEA is limited; the Riparian Areas Regulation implementation guidebook states that access to the water is permitted through the SPEA. A single natural (unpaved) footpath shall provide SPEA access rather than multiple trails being developed over time.

5. Post-construction: Avoid any unnecessary pruning of trees and shrubs in the SPEA, particularly overhanging the water edge. This will maintain maximum shading to enhance quality of the aquatic habitat for fish.

Foreshore and Dock Placement and Access

If the following measures are implemented, there should be very little negative impact on the lake foreshore and water quality.

1. Measures to protect existing riparian vegetation in the foreshore SPEA during dock placement

- A. Clearly delineate the natural pathway so traffic through the SPEA is limited; The Riparian Areas Regulation implementation guidebook states that access to the water is permitted through the SPEA. A single natural (unpaved) footpath should provide access to the SPEA rather than multiple trails being developed over time.
- B. Protect riparian trees and roots during dock construction activities by wrapping nearby trees with landscape fabric during dock placement. There will be no tree removal necessary at the proposed dock site. There must be no removal of submerged logs or rocks from the lake or foreshore as these provide important fish habitat.
- C. Replace any native shrubs that have been damaged by construction activities.
- D. Ensure that there is no removal of trees from the SPEA areas.

The only activity inside the SPEA will be the placement of the footing for the ramp. As mentioned above, there should be a natural footpath established and demarcated through the SPEA for access to the foreshore.

2. Measures to prevent negative impacts and to reduce disturbance below the Highwater Mark (HWM). (Partly From BC Government Guidelines-see list of references)

- A. Avoid disturbance below the high water mark such as dredging or placement of fill. Ensure that there is 1.5 meters of water beneath the float so it does not sit on or disturb the bottom sediments at low lake levels.
- B. It would be preferable to construct the dock off site and float it down the lake rather than use the SPEA area for the dock assembly. Place the float

in an area where there is no impact on the willow trees along the bank, as these provide fish habitat.

- C. Prevent removal of stones or woody debris such as logs or stumps from the bottom of the lake as these also provide habitat for aquatic organisms.
- D. Avoid the use of toxic materials such as treated wood and uncured concrete. Only precast concrete or wood should be used for the ramp footings which must be placed above the HWM.
- E. Use untreated wood such as cedar for the float construction and use nontoxic pilings such as steel posts only if necessary to support the structures.
- F. Use only encapsulated envirofloats that do not breakdown in the water or in sunlight as other flotation products can be toxic to the aquatic environment as they deteriorate.

3. Measures to prevent equipment from disturbing the lake foreshore

- A. There should be no need to use any heavy machinery below the HWM. If any emergency heavy equipment is needed anywhere near the lake, a spill kit must be present on site. There will be no tree removal necessary at the proposed dock site.

Section 6. Photos

Currently there are no structures present on the property at 36123 Galleon Way. The majority of the site is a treed open area with very little understorey, and evidence of previous land use disturbance (Plate 1a,b). The proposed site of the house which lies outside the 30m riparian zone is located in an open area with modified rock conglomerates (Plate 2). SE of the house is the proposed site of the accessory building and access deck; these features are located in a disturbed area within the 30m riparian zone (Plate 3). This disturbed area remains open until reaching the lake edge (Plate 3). The riparian area consists of willow, grasses, and small alders, with rocks and small boulders (Plate 4).



Plate 1a. Typical view of open treed property with little understorey.



Plate 1b. Typical view of open treed property with little understorey.



Plate 2a. Site of the proposed single-family home on the property outside 30m riparian zone.



Plate 3. Site of accessory building and access deck inside 30m riparian zone.



Plate 4. View of near shore riparian section looking northwest.

Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date March 25, 2019

1. I/We Daniel Baxter

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

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

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

- a) ☒ if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, OR

(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

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

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

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

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Submission Instructions

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

Forms you will need to complete are

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

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

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

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

Tips for working with MS Word Template Forms

Using the forms

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

Saving the completed form

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

From: Cassandra Rahmann on behalf of information
Sent: Tuesday, April 2, 2019 3:53 PM
To: Planners
Subject: FW: Assessment #5598C has been Reviewed

Cassandra Rahmann
Administrative Assistant
Islands Trust
Phone: 250-405-5190
Enquiry BC Toll-free call 1-800-663-7867
or from lower mainland 604-660-2421

From: Riparian Areas FLNR:EX <RiparianAreas@Victoria1.gov.bc.ca>
Sent: Tuesday, April 2, 2019 2:44 PM
To: Riparian Areas FLNR:EX <RiparianAreas@Victoria1.gov.bc.ca>; caurinusenvironmental@gmail.com; Riparian Areas, Region 1 FLNR:EX <RARReg1@gov.bc.ca>; Riparian Areas FLNR:EX <RiparianAreas@Victoria1.gov.bc.ca>; DFO_EPMP@PAC.DFO-MPO.GC.CA; information <information@islandstrust.bc.ca>; information <information@islandstrust.bc.ca>
Subject: Assessment #5598C has been Reviewed

RAR Assessment report #5598 has been reviewed by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development. The Ministry hereby provides notice that this report meets the assessment and reporting criteria for the Riparian Areas Regulation. For more information please see the summary below. **If there are further questions please contact** RiparianAreas@Victoria1.gov.bc.ca

Report Number		
5598C		

Date: 2019-04-02

Reviewed By: Charlotte Billingham

Keystone Data

Report Number	5598C
QEP	Daniel Baxter
Local Government	Islands Trust
Location of Proposed Development (Address)	36123 Galleon Way
PID	003-322-645
Legal Description	
Stream	Name Buck Lake

Type Comments	Lake
------------------	------

RAR Assessment

	Assess	Comments
SPVT Correct	Yes	
ZOS' Correct	Yes	
SPEA Correct	Yes	15m for Buck Lake
Site Plan	Yes	Single-family home on the property, an accessory building and a recreational dock
HWM/TOB	Yes	
RAA	No	
ZOS's	Yes	
SPEA	No	
Building Envelope	Yes	
Development within SPEA	Yes	Dock and ramp construction within 15m SPEA. Water Sustainability Act change ap #1004446.

Measures Appropriate	Yes	Clearer direction to the landowner and those working on the site is provided in the section. Details on protection of trees, encroachment and access now provided.
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Professional Opinion

	Assess	Comments
Section 7 (a) Signed	Yes	
Section 7 (b) Signed	Yes	
QEP Reduced SPEA?	No	
Applied Methodology Correctly?	Yes	

Comments

This report conforms to RAR methodology.

From: RiparianAreas@Victoria1.gov.bc.ca <RiparianAreas@Victoria1.gov.bc.ca>

Sent: March 25, 2019 10:32 PM

To: caurinusenvironmental@gmail.com; Riparian Areas, Region 1 FLNR:EX <RARReg1@gov.bc.ca>;
Riparian Areas FLNR:EX <RiparianAreas@Victoria1.gov.bc.ca>; DFO_EPMP@PAC.DFO-MPO.GC.CA;
XT:IslandsTrust ENV:IN <information@islandstrust.bc.ca>; XT:IslandsTrust ENV:IN
<information@islandstrust.bc.ca>

Subject: Assesment 5598 has been updated

This assessment has been updated. This notification is sent to you, Fisheries and Oceans Canada (DFO), the BC Ministry of Environment, and the appropriate local government(s).

Details of this assessment are included in this notification.

Check content to ensure correctness.

If it is incorrect, modify your assessment.

Assessment Details

Assessment ID:: 5598 **Creation Date:** 2019-02-18

Status: updated **Last Modified:** 2019-03-25

Development Details

Development Type:	Rural Residential - outside of Municipality	Proposed Start Date:	2019-03-01
Area of Development (hectares):	.050	Proposed End Date:	2019-12-31
Lot Area (hectares):	.330	Nature of Development:	New
Riparian Length:	21.00	Section 9 Part 7 Activities:	N

Location Details

Local Government:	Islands Trust, Regional District of	DFO Area:	South Coast Area
Region:	Vancouver Island	Stream/River Type:	Lake
Parcel Identification (PID)/ Parcel Identification Number (PIN):	003-322-645	Stream/River Name:	Buck Lake
Address Line 1:	36123 Galleon Way	Watershed Code:	925-258000-15500
Address Line 2:		Postal Code:	V0N 2M2
Latitude:	48°46'29"	Longitude:	123°17'59"

Developer Details

Contact First Name:	Ehren	Address Line 1:	36123 Galleon Way
Contact Middle Name:		Address Line 2:	

Contact Last Name:	Lee	City:	Pender Island
Province/State:	BC	Postal/Zip Code:	V0N 2M2
Email Address:	elee@urbansystems.ca	Country:	Canada
Company Name:		Phone #:	778-678-3157

Primary QEP Details

Contact First Name:	Daniel	Address Line 1:	3601 Masthead Cr.
Contact Middle Name:		Address Line 2:	
Contact Last Name:	Baxter	City:	Pender Island
Designation:	Biologist	Province/State:	BC
Registration #:	1999	Postal/Zip Code:	V0N 2M2
Email Address:	caurinusenvironmental@gmail.com	Country:	Canada
Company Name:	Caurinus Environmnetal	Phone #:	2502224571

Secondary QEP Details

Name:	Company	Address	Email	Phone
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North Pender Island Local Trust Committee

Development Approval Information Checklist

Development Permit Area Applications

The attached checklists are intended to assist consulting professionals in submitting complete and relevant reports. A completed checklist(s) for each relevant Development Permit Area should be submitted to the Islands Trust along with all professional reports.

Instructions

Landowners/applicants should ensure that:

1. The relevant checklist(s) is provided to all their consulting professionals
2. A completed checklist is submitted with the professional reports
3. If not all information is provided in the report or with the application, that the professional has consulted with, and obtained prior approval, of the Islands Trust.

Consulting Professionals:

1. Complete and attach the relevant checklist(s) to your professional report indicating that the report has addressed all relevant development approval information requirements.
2. Where the professional is of the opinion that because of the nature of the site or the development proposal specific information is not relevant, the professional should:
 - a. Contact the planner as early as possible and consult on the need for the particular information;
 - b. Describe clearly in the report why the particular information is not relevant; and
 - c. Indicate on the checklist that the information is not applicable (N/A)
3. Where a site is designated within two or more DPAs, all relevant checklists should be completed.

Note: it is at the determination of the Islands Trust planner whether or not specific information is required. Failure to provide complete information without prior consultation with and the approval of the Islands Trust may result in delays in processing an application or requirements for additional information.

Pursuant to North Pender Island Local Trust Committee Development Approval Information Bylaw No 134, the applicant shall provide, as part of a development permit application, a report prepared by a qualified professional with relevant experience containing the following information. Where a professional is of the opinion that any of the following information requirements are not relevant for the proposal in question, the professional shall indicate the rationale for such an opinion, either in the body of the report or in a separate certification. The determination of whether and what extent that development approval

information is required is at the discretion of the Islands Trust official.

File No: _____

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:		
	The proposed development and associated features		
	The development permit area boundary		
	Existing buildings and structures		
	Roads and driveways		
	Topographic features		
	Significant features identified in the site inventory		
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance		
Site Inventory	A site inventory providing information on the ecosystem classification, based on current best practices, providing information on: - existing plant communities - marine, aquatic and terrestrial habitats - sensitive ecosystems - nesting trees - the presence of rare species and rare plant communities - current on-site and adjacent land uses - slope stability - erosional processes - hydrology and flood potential - topography		
	Site background analysis that includes the following known information: - A check for observed species and ecosystems at risk - A description of the context of the site including the use of adjacent lands and proximity to protected areas - A check for the presence of raptor and heron nests - A check for the presence of fish-bearing water courses		
	A conservation evaluation that identifies environmentally valuable features on or near the proposed development. The evaluation should be based on current best practices, such as the RISC standard		
Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.		
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development, consisting of anticipated impacts on the following:		
	Sensitive ecosystems		
	Rare plant communities		
	Rare species habitat		
	Site hydrology		

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
	The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area		
Measures	A description of all recommended measures to limit, mitigate and manage the impacts of the development on environmentally valuable features		
	A description of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.		
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, a monitoring schedule and process for resolving any non-compliance		
Restoration	Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development		

OFFICE USE ONLY

File No: _____

RAPTOR AND HERON NEST DEVELOPMENT PERMIT AREA (DPA 7)			Office Use only
	Information and Documentation Required	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:		
	The proposed development and associated features		
	The natural boundary of the sea		
	The development permit area boundary		
	Existing buildings and structures		
	Roads and driveways		
	Significant features identified in the site inventory, including the nest tree		
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance		
Evaluation	An evaluation of the site and the current status of the nest tree, following current best practices.		
Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing or trimming, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.		
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development on the nesting site, consisting of anticipated impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area.		
Measures	A description of all measures to limit, mitigate and manage the impacts of the development on the nesting site.		
	A description of feasible mitigation measures and their anticipated effectiveness in maintaining the health and function of nesting site.		
	Any recommended measures to restore or enhance the health of the nesting site.		

OFFICE USE ONLY

File No: _____

RIPARIAN AND AQUATIC DEVELOPMENT PERMIT AREA (DPA 10)			Office Use only
	Information and Documentation Required	✓	
Riparian Assessment	A description of the fisheries resource values in the watercourse, including species of fish that frequent the waterbody and fish habitat present.	✓	
	The results of the riparian assessment, using a detailed or simple assessment as indicated in the Riparian Areas Regulation, and establishing the Streamside Protection and Enhancement Area (SPEA) width for the subject parcel.	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:	✓	
	Topographic features	✓	
	Location of top of bank	✓	
	High water mark	✓	
	SPEA widths, any ZOS	✓	
	All buildings, structures and supporting infrastructure	✓	
Measures	A description of all measures to maintain and protect the SPEA from development, including where appropriate: - assessment and treatment of danger trees, - windthrow, - slope stability, - tree protection during construction, - encroachment and - sediment and erosion control.	✓	
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance	✓	
Certification	Professional certification by a Qualified Environmental Professional preparing the report that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides his or her professional opinion that: - if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or - if the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.	✓	



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

e-mail : salmonkathy@gmail.com

To: The Islands Trust- Pender Island
Regarding: Buck Lake– Recreational Dock Construction

February 16, 2019

Dear Trust Planners

I have visited the site at 36123 Galleon Way where the owner is proposing to construct a recreational dock on the foreshore of Buck Lake (Map 1). Because Buck Lake, as well as being fish habitat, is the main drinking water supply for the area, it is necessary to prevent all negative impacts of any in-stream or foreshore activities.

A. Description of proposed development

The owner has proposed to develop his lot and construct a residence (Map 2). There has been an Environmental Impact Assessment completed by Dan Baxter (Carinus Environmental, 2018). This report thoroughly documents the environmentally sensitive areas and the flora and fauna found on the property and determines that the residence can be constructed with minimum impact to the natural environment. There has also been a Riparian Areas Assessment report completed for the property development (Baxter, 2018-2019). The SPEA determined by the assessment report was 15m. wide, measured from the highwater mark (See map3).

The dock will be located near the Northwest corner of the lot (Map 2). It will consist of a dock and ramp 1.5 m x 8.0 m in size and a 15 sq. meter float in the lake. At the proposed dock site, the riparian vegetation consists of some second growth Douglas fir and a very sparse understory of salal (*Glautheria shallon*). Willow trees (*Salix species*) and sedges are growing along the highwater mark. (Photos 1-3). The willows will not be disturbed or covered by the dock. A few of the sedges may be moved to a nearby suitable site.

There are two small fir trees near the footing that will be protected. (See photograph 2)

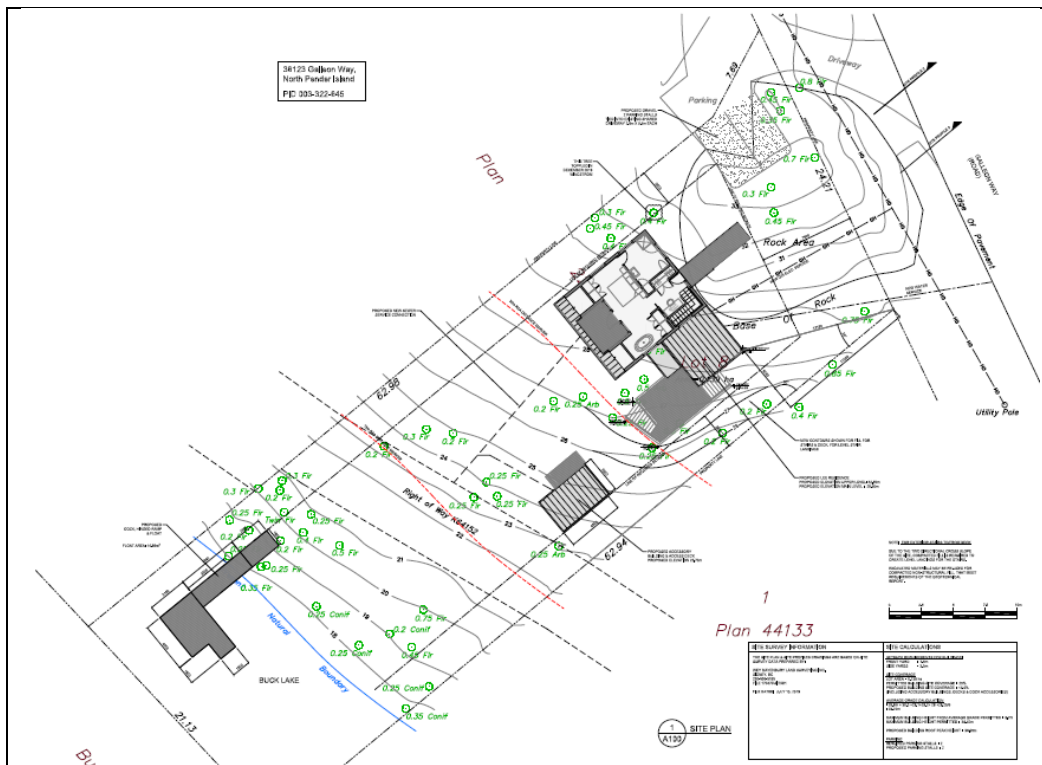
Since the property owner will require access to the lake, there will be a natural pathway clearly defined for access through the SPEA to the dock site. It is important that one path only be used to provide access to the water in order to protect other areas of the SPEA from disturbance.

The Riparian Areas Regulation Implementation Guidebook states that recreational access to the water is permitted inside a SPEA but a formal trail network is not. To prevent excessive clearing within the SPEA the trail should not exceed 1.5m in width.

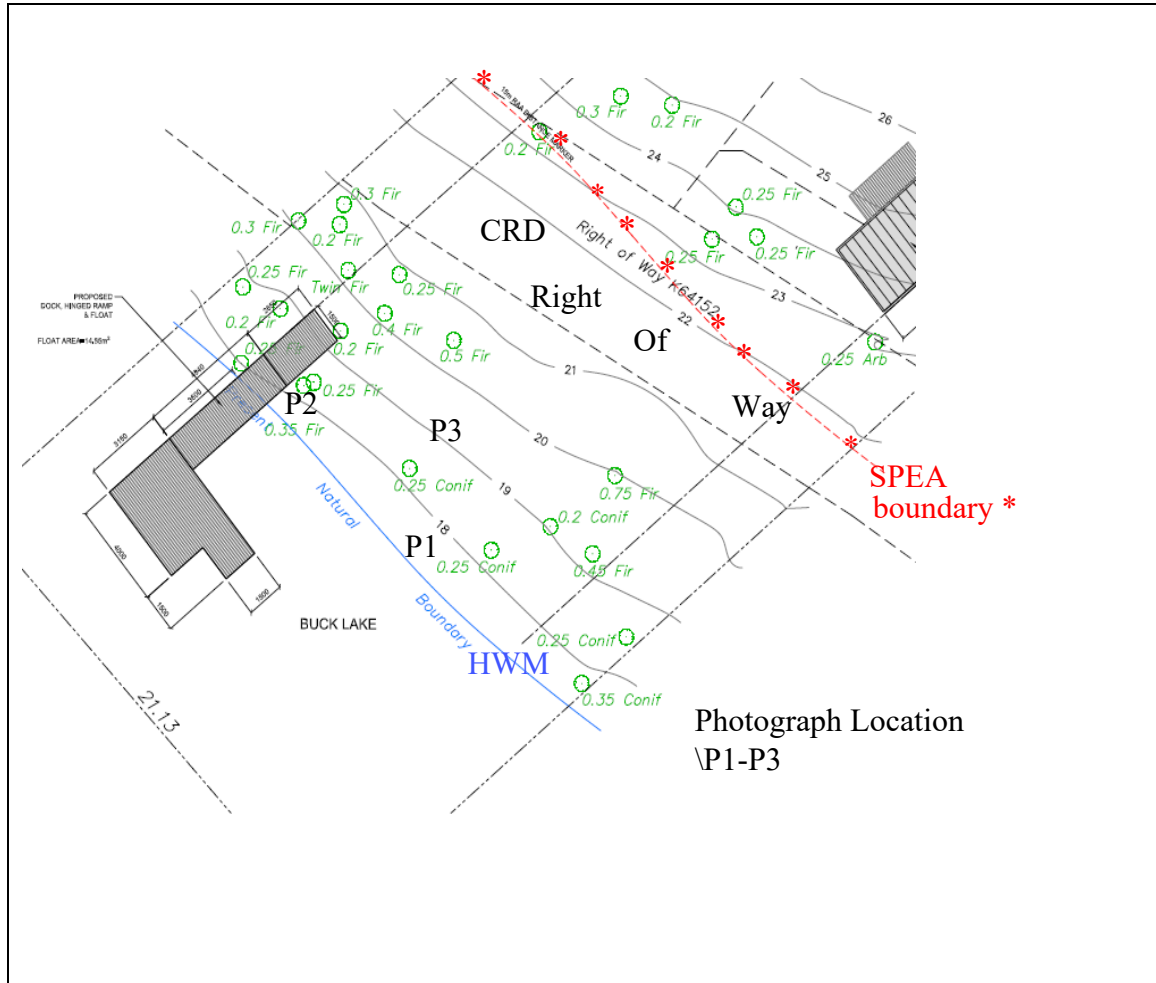
Map1. Shows the subject property and the approximate location of the float. (CRD atlas)



Map 2. Plan of subject property showing dock site, proposed residence and 15m SPEA



Map 3. Close-up of foreshore, showing SPEA, dock details, tree locations
Also shows SPEA boundary, CRD waste water right-of-way and High Water Mark



B. Recommendations

If the following measures are implemented, there should be very little negative impact on the foreshore of the lake and the water quality in it.

1. Measures to protect the foreshore SPEA during dock placement

Minimize disturbance to existing riparian vegetation

- 1a. Clearly delineate the natural pathway so traffic through the SPEA is limited
- 1b. Protect riparian trees and roots during dock construction activities (for example, wrap nearby trees with landscape fabric during dock placement).
- 1c. Replace any native shrubs that have been damaged by the construction
- 1d. Ensure that there is no removal of trees from the SPEA areas

2. Measures to prevent negative impacts and to reduce disturbance below the High water Mark (HWM). (Partly From BC Government Guidelines-see list of references)

2a. Avoid disturbance below the high water mark such as dredging or placement of fill. Ensure that there is 1.5 meters of water beneath the float so it does not sit on or disturb the bottom sediments at low lake levels

2b. Place the float in an area where there is no impact on the willow trees along the bank, as these provide fish habitat

2c. Prevent removal of stones or woody debris such as logs or stumps from the bottom of the lake as these also provide habitat for aquatic organisms

2d. Avoid the use of toxic materials such as treated wood and uncured concrete. Only precast concrete or wood should be used for the ramp footings which must be placed above the HWM.

2e. Use untreated wood such as cedar for the float construction and use non-toxic pilings such as steel posts only if necessary to support the structures

2f. Use only encapsulated envirofloats that do not breakdown in the water or in sunlight as other flotation products can be toxic to the aquatic environment as they deteriorate.

3. Measures to prevent equipment from disturbing the foreshore lake

There should be no need to use any heavy machinery below the HWM. If any heavy equipment is used anywhere near the lake a spill kit must be present on site

I have included check lists for the Riparian and Aquatic DPAs

Please let me know if you need more information.

Kathleen Reimer MSc.,
Registered Professional Biologist
List of References

Baxter D, Pender Island B.C. Carinus Environmental. 2019 RAR Assessment 36123 Galleon Way.

BC Ministry of Environment. Guidelines for Dock Construction
<http://www.env.gov.bc.ca/wld/instreamworks/moorings.htm>

BC Ministry of Environment. Best Management Practises for dock construction;
<http://www.env.gov.bc.ca/wld/instreamworks/downloads/Docks.pdf>

BC Crown Lands: General Provincial Permission to use Crown Lands for a private moorage dock. www2.gov.bc.ca/...use/land...use/crown-land/private_moorage_general_permission.

Photograph 1. Willow trees along the foreshore near the proposed dock site provide excellent cover for juvenile fish



Photograph 2. Proposed Dock site (small Douglas fir, sedges along the foreshore)



Photograph 3. Backshore near proposed dock site, shows SPEA with fir trees and very little understory (from Baxter, 2019 RAR assessment 36123 Galleon Way).



Riparian and Aquatic DPA: 36123 Galleon Way

Guidelines	Comments
1. In general, all development in this DPA should be undertaken in a manner that minimizes impacts on the riparian area and on aquatic ecosystems, including from the application of pesticides and other chemicals for non-essential cosmetic purposes. Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and aquatic ecosystems, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and aquatic ecosystems, consistent with the measures and recommendations described in the report.	There will be no tree removal necessary at the proposed dock site. There must be no removal of submerged logs or rocks from the lake or foreshore. These provide important fish habitat
2. The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP, and the owner should be required to implement a plan for protecting the SPEA over the long term through measures that may be implemented as conditions of the development permit.	The Riparian Areas Regulation implementation guidebook states that access to the water is permitted through the SPEA It would be preferable to have a single natural (unpaved) footpath to provide access rather multiple trails being developed over time in the SPEA areas
3. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.	The QEP who submitted the RAR report will provide monitoring
4. The following guidelines are applicable to floats and associated structures within the development permit area:	All these recommendations are mentioned in the attached QEP letter as well as some applicable measures for dock construction that are required by the province

Guidelines	Comments
i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the feature; ii) a ramp or float should not rest on the bed of the water body; iii) the use of treated wood in the waterbody should be avoided; iv) floatation material should be contained within a durable shell to prevent disintegration; v) semi-transparent surfacing should be used on ramps and floats (e.g. grating or separated boards); vi) any areas disturbed during installation should be restored; vii) where a float is being replaced, all old materials should be removed.	see above comments
5. If the nature of the proposed project in a riparian assessment area or the surface of a waterbody changes after the QEP report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the LTC may require the applicant to have the QEP update the assessment at the applicant's expense and DP conditions may be revised accordingly.	It would be preferable to construct the dock off site and float it down the lake rather than use the SPEA area for the dock assembly. The only activity inside the SPEA would be the placement of the footing for the ramp. As mentioned above there should be a natural footpath through the SPEA for access to the foreshore One single natural (unpaved) narrow footpath would provide access rather multiple routes being developed over time through the SPEA
6. The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of the SPEA or aquatic ecosystem in compliance with recommendations of a QEP report.	Both this QEP letter and the RAR assessment (Baxter, 2019) mention the lack of understory vegetation Future restoration of the understory should be a permitted activity within the SPEA.



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Victoria, BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca

North Pender Island Local Trust Committee Development Approval Information Checklist Development Permit Area Applications

The attached checklists are intended to assist consulting professionals in submitting complete and relevant reports. A completed checklist(s) for each relevant Development Permit Area should be submitted to the Islands Trust along with all professional reports.

Instructions

Landowners/applicants should ensure that:

1. The relevant checklist(s) is provided to all their consulting professionals
2. A completed checklist is submitted with the professional reports
3. If not all information is provided in the report or with the application, that the professional has consulted with, and obtained prior approval, of the Islands Trust.

Consulting Professionals:

1. Complete and attach the relevant checklist(s) to your professional report indicating that the report has addressed all relevant development approval information requirements.
2. Where the professional is of the opinion that because of the nature of the site or the development proposal specific information is not relevant, the professional should:
 - a. Contact the planner as early as possible and consult on the need for the particular information;
 - b. Describe clearly in the report why the particular information is not relevant; and
 - c. Indicate on the checklist that the information is not applicable (N/A)
3. Where a site is designated within two or more DPAs, all relevant checklists should be completed.

Note: it is at the determination of the Islands Trust planner whether or not specific information is required. Failure to provide complete information without prior consultation with and the approval of the Islands Trust may result in delays in processing an application or requirements for additional information.

Pursuant to North Pender Island Local Trust Committee Development Approval Information Bylaw No 134, the applicant shall provide, as part of a development permit application, a report prepared by a qualified professional with relevant experience containing the following information. Where a professional is of the opinion that any of the following information requirements are not relevant for the proposal in question, the professional shall indicate the rationale for such an opinion, either in the body of the report or in a separate certification. The determination of whether and what extent that development approval information is required is at the discretion of the Islands Trust official.

OFFICE USE ONLY	
File No:	_____

RIPARIAN AND AQUATIC DEVELOPMENT PERMIT AREA (DPA 10)		Office Use only	
	Information and Documentation Required	✓	
Riparian Assessment	A description of the fisheries resource values in the watercourse, including species of fish that frequent the waterbody and fish habitat present.		RAR report (Baxter, 2019)
	The results of the riparian assessment, using a detailed or simple assessment as indicated in the Riparian Areas Regulation, and establishing the Streamside Protection and Enhancement Area (SPEA) width for the subject parcel.	15m	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:	Map2	
	▪ Topographic features		
	▪ Location of top of bank		
	▪ High water mark	Map3	
	▪ SPEA widths, any ZOS		
	▪ All buildings, structures and supporting infrastructure		
Measures	A description of all measures to maintain and protect the SPEA from development, including where appropriate: ▪ assessment and treatment of danger trees, ▪ windthrow, ▪ slope stability, ▪ tree protection during construction, ▪ encroachment and ▪ sediment and erosion control.		RAR report (Baxter, 2019)
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance	yes	
Certification	Professional certification by a Qualified Environmental Professional preparing the report that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides his or her professional opinion that: ▪ if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or X if the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.	yes	

certified by Kathleen Reimer MSc., RPBiologist, QEP
February 15, 2019



Change Approval and Notification (Changes In and About a Stream)

Tracking Number: 100281619

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Individual
Are you the Individual this application will be issued to? Yes

APPLICANT CONTACT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: Kathleen Elaine Reimer
Phone: 250-537-9630
Daytime Phone: 250-537-7580
Fax:
Email: salmonkathy@gmail.com
Mailing Address: PO BOX 289 Ganges
Salt Spring Island BC V8K2V9

Letter(s) Attached: Yes (letter of permission.pdf)

CO-APPLICANTS

A co-applicant is an Individual or Company/Organization listed on the title of the land, mine or undertaking who was not previously identified as the principal applicant.

Are there co-applicants for this application? Yes

Co-applicants who are Organizations must consent to providing their name, address and phone number and Individuals must consent to providing their name and email address. Do you have permission from the co-applicants to enter their personal information? Yes

You have indicated earlier in the application that there is one or more co-applicant. Please add each co-applicant by clicking on the 'Add Individual' or 'Add Organization' button below depending if the co-applicant is an individual or an organization. Due to Freedom of Information and Protection of Privacy Act regulations you are only able to enter the name and email address for an individual.

Name: Ehren Lee
Phone: 778-678-3157
Daytime Phone:
Fax:
Email: elee@urbansystems.ca
Mailing Address: 312-645 Fort
#312 645 Fort Street
Victoria BC V8W1G2

Name: Kathleen Elaine Reimer
Phone: 250-537-9630
Daytime Phone:
Fax:
Email: salmonkathy@gmail.cm
Mailing Address: 196 Tripp Rd.
196 Tripp Road
Salt Spring Island BC V8K1K5

ELIGIBILITY

Please answer the following questions related to your Change Approval/Notification.

Question	Answer	Warning
Is this application to support oil and gas activity that is being authorized by the Oil and Gas Commission?	No	

TECHNICAL INFORMATION

GOVERNMENT AND FIRST NATION FEE EXEMPTION REQUEST

Do you belong to, are you applying on behalf of, or are you:

- A provincial government ministry
- The Government of Canada
- A First Nation for water use on reserve land
- A person applying to use water on Treaty Lands
- A Nisga'a citizen
- An entity applying to use water from the Nisga'a Water Reservation?

No

APPLICATION BY GOVERNMENT

Please indicate if you are someone who works in the government OR you are working on behalf of the government.

Are you, or are you applying on behalf of, a government entity? No

TYPE OF WORKS

Please select the type of Notifications/Approvals you want to apply for as part of this application.

Please select the type of works to be undertaken:

Notification

- ☐ Road Crossing Culvert - Construction / Maintenance / Removal
- ☐ Clear Span Bridge - Construction / Maintenance / Removal
- ☐ Pipeline Crossing – Construction / Maintenance
- ☐ Dry Hydrant – Construction / Maintenance
- ☒ Pier, Wharf, (including docks) – Construction / Maintenance / Removal
- ☐ Cutting of annual vegetation in a stream channel
- ☐ Dike or Erosion Protection Works - Repair / Maintenance
- ☐ Storm Sewer Outfalls – Construction / Maintenance
- ☐ Control of Eurasian Watermilfoil or other invasive aquatic vegetation
- ☐ Ice Bridge / Winter Ford or Snowfill - Construction / Maintenance
- ☐ Maintenance of minor and routine nature by a public utility
- ☐ Removal of a beaver dam (as authorized under the Wildlife Act)
- ☐ Construction of a temporary ford
- ☐ Construction of a temporary diversion around a worksite

Approval:

- ☐ Bank Erosion Protection
- ☐ Bridge (other than clear span) - Construction / Maintenance / Removal
- ☐ Stream Diversion
- ☐ Large Debris Removal by machine - Plan required
- ☐ Gravel removal
- ☐ Other

Please note that the ultimate decision whether this constitutes a Notification or a Change Approval lies with the Province of British Columbia

SITES

Click on the Add Sites button to add one or more sites.

SITE

Location ID: North Pender Island

STREAM

Name of the Stream: Buck Lake
Source Flows Into: Swanson Channel

PROPOSED WORKS

Detailed Description of Works: The owner plans to build a recreational dock . The site is within the Riparian areas SPEA. There will be no trees removed. The dock will be constructed outside the SPEA and floated in to the site.
Footprint of Project: 22 m2

PROPOSED TIMING FOR WORKS

Start Date: Jul 1, 2019
End Date: Sep 1, 2019
Is the proposed timing within the approved regional timing window? Yes

LOCATION OF WORKS

Provide a legal description of the land(s) where works are proposed: 003-322-645
Geographic Coords of Works: 48.7747000, -123.2994000
Photo of Works Location: North Pender Island - Photo shows trees and proposed dock location

LAND OWNERSHIP AT THE WORKS

Land Ownership:

- ☐ Applicant owns land
- ☐ Land is Crown Land but applicant has tenure
- ☐ Land is Crown Land but tenured to Ministry of Transportation
- ☐ A third Party owns the land but the applicant has lease or tenure
- ☒ A third Party owns the land but applicant has written consent

Name of Land Owner that owns the land where your works are proposed:
Ehren Lee

☐ Land is Crown Land but the applicant does not have a tenure

For all private lands, you must obtain and provide the landowner's written consent. The consent form must describe the proposed project and contain the landowners address, telephone number and postal code. Upload a copy of the landowner's written consent using the upload documents section of this form.

CONTACTS

If you are not carrying out the work, indicate contractor/company's name, professional affiliation, mailing address, postal code and telephone numbers. If a different company is designing and supervising the work, please include this information as well

Contact Info	Type of Contact
Name: Ehren Lee	Design and Supervision
Phone: 778-678-3157	
Daytime Phone:	
Fax:	
Email: elee@urbansystems.ca	
Mailing Address: 312-645 Fort Street #312 645 Fort Street Victoria BC V8W1G2	
Cert:	

LOCATION INFORMATION

LAND DETAILS

DRAWINGS

A Drawing to Scale is required that meets the Application Drawing Standards. Choose one of the options below to submit the required map/drawing.

Additionally, it is recommended that you provide a topographical map showing the general location of the property where the water is proposed to be used and the works constructed in relation to nearby communities, highways, railways and other water sources.

(this additional map will not be necessary if your Drawing to Scale is provided using the Geomark Service or a spatial file such as .KML or .KMZ)

☒ I have map(s) saved to my computer and wish to provide these with my application

MAP FILES

Do you have a PDF or image file of a drawn map? You can upload it here.

Description	Filename
Islands Trust Map showing project location	Island Trust Color photogra...
Site plan showing dock location	Site plan new copy.pdf

ATTACHED DOCUMENTS

Document Type	Description	Filename
Drawing to Scale	Close up of dock plans	Close up of dock plans show...
Other	Professional biologist report for Islands Trust ' Development Permit area application for the proposed project	Galleon Way dock DPA letter...

PRIVACY DECLARATION

PRIVACY NOTE FOR THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

Personal information is collected by FrontCounter BC under the legal authority of section 26 (c) and 27 (1)(a)(i) of the Freedom of Information and Protection of Privacy Act (the Act).

The collection, use, and disclosure of personal information is subject to the provisions of the Act. The personal information collected by FrontCounter BC will be used to process your inquiry or application(s). It may also be shared when strictly necessary with partner agencies that are also subject to the provisions of the Act. The personal information supplied in the application package may be used for referrals or notifications as required. Personal information may be used by FrontCounter BC for survey purposes. For more information regarding the collection, use, and/or disclosure of your personal information by FrontCounter BC, please contact FrontCounter BC at 1-877-855-3222 or at:

FrontCounter BC Program Director
FrontCounter BC, Provincial Operation
441 Columbia Street
Kamloops, BC V2C 2T3

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

Company / Organization: Urban Systems
Contact Name: Ehren Lee
Contact Address: 312-645 Fort
Victoria BC V8W1G2
Contact Phone: 250-220-7060
Contact Email: elee@urbansystems.ca

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

SIGNATURES

CO-APPLICANTS

You will have to obtain approval from all co-applicants before you can proceed with your application. Please select one option for each.

Name	Status of Signature Request
Ehren Lee	Declaration Form uploaded
Kathleen Elaine Reimer	Declaration Form uploaded

IMPORTANT NOTICES

Please review the "Important Notices" below and then check the declaration at the bottom confirming that everything in this application is complete and accurate.

- I understand that the submission of this application does not provide authority under the Water Sustainability Act to construct works in and about a stream. I also understand that my application must first be investigated and a decision made on the application as to whether an approval may be granted and, as part of that review, additional information may be requested of me.
- The application may be subject to further requirements under the federal Fisheries Act. Please refer to Fisheries and Oceans Canada Projects Near Water webpage (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) for information on how to ensure your project complies with the Fisheries Act.

DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

OFFICE

Office to submit application to: Nanaimo

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

OFFICE USE ONLY

Office Nanaimo	File Number	Project Number
	Disposition ID	Client Number

Ehren and Kaela Lee

2551 Chelsea Place, Victoria BC V8P 3E6 | 778.678.3157 | elee@urbansystems.ca

December 6, 2018 *(revised February 18, 2019)*

A/ Planner 2
Islands Trust
200 – 1627 Fort Street
Victoria, BC V8R 1H8

Dear Phil Testemale:

This letter accompanies our development permit application including supporting documents (list on page 2) for our residential development at **36123 Galleon Way**. Throughout this letter and the supporting documents are select references to key regulations and or local guidelines for our goal of a considerate and compliant development on North Pender Island in the Magic Lake Estates area. Our proposed building(s) are founded upon a thoughtful approach to development of the site that optimizes existing trees and environmental assets, while also enabling our family to enjoy the site's values consistent with local Bylaws.

With sincere recognition of the development rules and regulations, we feel compelled and humbled to provide further information to round our required documents. Our intent with this letter is to provide a description of our proposed development and a brief context of our respect for the site and surroundings.

Our Family and Our Intents for the Site

We're a young family from Victoria who seeks out nature. We chose Buck Lake, and Galleon Way, as a perfect location to both refresh ourselves and to also develop a site for our long-term family enjoyment. We're proud, respectful minimalists who place value on time and experience with each other rather than things and toys. We want our kids to enjoy the offerings from a special place like Galleon Way, both during the summer but also at any point throughout the year. Our desire to infuse nature and respectful water interactions is consistent with our proposed house design and site development. Select strategies and proposed approaches consistent with our family are outlined below.

Firstly, the main building is situated beyond 30m distance marker from the water boundary, and further it is carefully laid out to prevent removal of almost all significant trees (those >250mm in diameter). Large arbutus, fir and other conifers are intended to remain through construction with only one known removal required of a tree >250mm diameter: this is a notable feat, given the wooded nature of the lot. It is important to note that one tree, approximately 400mm in diameter, fell during the windstorm of December 20, 2018. The original site survey plan still shows this tree so we have appended a small site plan excerpt which identifies the felled tree.

Our building footprint is relatively small (about 100sq. m.) to many other neighboring properties so that we disturb the ground as little as possible but also to create a close-knit family experience. We propose to

retain well over 75% of the original site so that we can enjoy it, but also to be consistent with guidelines for development. In particular, our design efforts have focused on the following outcomes and strategies:

- Situate the main building outside the 30m riparian assessment area,
- Design the extents and reaches of the main building and accessory building to avoid significant trees including large arbutus and conifers greater than 0.25m diameter,
- Minimize the building footprint to lessen site disturbance,
- Align trails on top of proposed utility-pipe trench locations (intent on *one dig, one disturbance*),
- Utilize a shared-driveway with neighbors to the north to minimize site disturbance yet still include the required 2 on-site parking stalls, and
- Employ design styles and materials that suit both neighboring properties yet without compromise to originality.

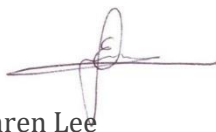
Carefully placed, the accessory building allows us to maximize our stay near the water and among the site without returning to the main building on a regular basis. We believe that our development has many attributes and outcomes that achieve our objective: to carry-out a careful and thoughtful balance of indoor and outdoor living, including a considerate connection to Buck Lake.

Thoughtful Enjoyment of the Lake

Multiple reports, local Bylaws and best practices provide the basis for our proposed floating dock with hinged ramp and dock. The dock design is illustrated on the development site plan (18 01 A200 feb-12) and has been reviewed and attested by a professional biologist, with comments and mitigation measures outlined in their memo (attached to the environmental report, prepared by Caurinus Environmental).

The complete design package, plus application form as well as the environmental reports are proposed for approval by Islands Trust as part of the development permit at 36123 Galleon Way. Please do not hesitate to contact the undersigned.

Sincerely,



Ehren Lee



Kaela Lee

List of Appended Documents

- Development permit application form
- Site Plan by BCLS including topographic features, water mark and location of lake bank,
- Site Plan originally by BCLS with noted tree that fell during windstorm of December 20, 2018
- 18 01 A200 feb 12: Site Plan and Building Profiles by Range Architecture including building locations, infrastructure, dock, profiles and building heights, distance to high water markers at 15m and 30m from water mark
- Title and State Title Certificate
- Select maps and land use references
- Environmental reports submitted under separate cover by the attesting qualified environmental professional

**Development Permit Area Ten
Riparian and Aquatic
Development Permit Area**





Preserving *Island* communities, culture and environment

Victoria Office

200 - 1627 Fort Street
Victoria, BC V8R 1H8
Telephone: **250.405.5151**
Fax: 250.405.5155
information@islandstrust.bc.ca
North Pender, South Pender, Galiano,
Mayne, Saturna, Executive

Salt Spring Office

1 - 500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Telephone: **250.537.9144**
Fax: 250.537.9116
ssinfo@islandstrust.bc.ca
Salt Spring

Northern Office

700 North Road
Gabriola Island, BC V0R 1X3
Telephone: **250.247.2063**
Fax: 250.247.7514
northinfo@islandstrust.bc.ca
Denman, Gabriola, Gambier,
Hornby, Lasqueti, Thetis

www.islandstrust.bc.ca

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

Development Permit Application Form

Office Use Only

Fee Paid: _____ Receipt No.: _____ File No.: _____

Please choose one of the following: ☒ Development Permit ☐ Development Permit Amendment

SECTION 1: DESCRIPTION OF PROPERTY

(AS INDICATED ON STATE OF TITLE CERTIFICATE)

Lot/Parcel 8 Plan VIP22149 Block Section 10 District Lot/Section Cowichan Land Dist.
Range _____ Other Description Portion: Pender Island
Street Address or General Location 36123 Galleon Way, North Pender Island, BC
Jurisdiction and Folio Number 764 008456.016 (From Property Assessment/Tax Notice)
Parcel Identifier (PID) 003-322-645 (From State of Title Certificate)

SECTION 2: OWNER INFORMATION

(ADD ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

First Owner Information

Ehren Lee
Name
2551 Chelsea Place
Street Address
City Victoria Region BC
Postal/Zip Code V8P 3E6
Telephone 778.678.3157
Fax n/a
E-mail elee@urbansystems.ca

Second Owner Information

Kaela Lee
Name
2551 Chelsea Place
Street Address
City Victoria Region BC
Postal/Zip Code V8P 3E6
Telephone 604.738.1982
Fax n/a
E-mail kaela33@hotmail.com

SECTION 3: APPLICANT INFORMATION

(IF DIFFERENT FROM OWNER)

Name _____ Street Address _____
City _____ Region _____ Postal/Zip Code _____
Telephone _____ Fax _____ E-mail _____

Freedom of Information and Protection of Privacy

Personal information contained on this form is collected under the *Local Government Act* for the purpose of responding to this application, or for purposes directly connected with this application. Information on your application form may be available to the public upon request under freedom of information legislation. Please contact a Deputy Secretary at one of the above noted offices if you have any questions

The processing of your application will be delayed if it is incomplete. Please read the guide before you complete the application form. Keep the guide for your reference during the application process. Contact a staff person for assistance.

Mail or deliver the completed application form, fee, plans and supporting material to the Islands Trust Office. The fee is payable to the Islands Trust. Contact Islands Trust staff for the current fee prior to submitting your application as fees may change annually.

SECTION 4: Provide one full-scale, and three (3) reduced (11 x 17) copies of a detailed site plan and other drawings that must include information in or more of the following lists (If you are unsure which type of development permit area applies to your application, contact planning staff at one of the offices listed on the first page of the application form).

If you are applying for a “Form and Character” development permit, include the following on your site plan (includes development permit areas established to guide the form and character or multi-family, commercial, industrial or intensive residential developments).

- ☐ existing and proposed uses on parcel
- ☐ uses of existing and proposed buildings
- ☐ dimensions and/or floor areas (each floor) of all existing and any proposed buildings on the property
- ☐ height of existing and proposed buildings/additions
- ☐ setbacks for all existing and proposed buildings to property lines, natural boundary of sea, watercourses and cliffs
- ☐ setbacks of all existing and proposed septic tanks and field and wells on the property, from natural boundaries of the sea, wetlands and watercourses
- ☐ parking areas including numbered parking stalls, aisle widths, stall dimensions (where applicable)
- ☐ locations and dimensions of all legal easements, covenant areas, and utility corridors on the property
- ☐ location of all wetlands, drainage areas, ponds and topography on the property
- ☐ landscaping showing existing and proposed landscaping. Also, include an estimate of the cost of landscaping, provided by a Landscape Architect or qualified professional. This estimate will be used to determine the amount of any security required for the development. (Alternatively, the above can be included in the site plan).
- ☐ elevation plan
- ☐ proposed building materials, colour scheme and other architectural details
- ☐ existing and proposed signs, including locations, dimensions, proposed construction materials and colour scheme

If you are applying for a “Protection Area” development permit, provide the following on your site plan (includes development permit established for the protection of the natural environment and protection of development from hazardous conditions):

- ☒ existing and proposed uses on parcel
- ☒ height of existing and proposed building or building additions
- ☒ setbacks for all existing and proposed buildings to property lines, natural boundary of sea, watercourses and cliffs
- ☒ setbacks of all existing and proposed septic tanks and field and wells on the property, from natural boundaries of the sea, wetlands and watercourses and any well that are on or within 50 metres of the property
- ☒ locations and dimensions of all legal easements, covenant areas, and utility corridors on the property

SECTION 5: Describe the current use(s) of the land and building(s) on the property.

wooded lot including old felled trees with pruning piles; a small portion (approx 15m2) of the northern corner of the lot is used as part of a shared driveway

SECTION 6: Describe the proposed development.

A rural oriented, private dwelling carefully situated among the wooded assets and riparian features of the lot. The proposed building(s) are designed to follow the landscape, to not obstruct or impeded natural surface features, to align in look with neighboring properties and to remain consistent with the rural-neighborhood feel of Galleon Way. Many efforts have been made in the design to minimize the footprint and impact of the buildings including limited site disturbance, small structures, and situating buildings to minimize removal of significant trees. Environmentally sensitive areas are demonstrably respected by the layout and location of proposed buildings and access areas. The family are water lovers: each of the 3 kids have water meaning names and the father is a professional water engineer

SECTION 7: If you are requesting a variance, provide reasons for varying bylaw requirement(s). On a site plan prepared by a B.C. Land Surveyor, show the existing bylaw requirement and your proposed variance with accurate dimensions.

SECTION 8: APPLICATION COMPLETION CHECKLIST

- ☒

I have completed all sections of this application form
- ☒

I have included detailed site plans and elevation drawings as required in Section 4 of this application form
- ☒

I have included recent State of Title Certificate (not more than 30 days old)
- ☒

I have included copies of all covenants registered against this title
- ☒

All owners listed on the title have signed the application
- ☒

I have included the correct fee (Contact Islands Trust staff for current fees)

IMPORTANT: Your application will not be considered complete unless it contains all of the information above.

A Note about Obtaining State of Title Certificate and Covenants: State of Title Certificate and covenants may be obtained from the Land Title Office or through your local government agent office for a fee.

SECTION 9: OWNER'S CONSENT AND AUTHORIZATION

(Signature of all registered owners is required. For additional owners, including Strata Corporations, attach a separate sheet)

In order to assist Islands Trust Planners in the review and evaluation of my application, by signing below, I authorize the Planners assigned to this application to enter onto the land at reasonable times, after making reasonable efforts to arrange to schedule a convenient time for such a visit, to inspect the land. I acknowledge a right, if a convenient time can be scheduled, to accompany the Planner on the site visit.

By signing below, I authorize the Applicant named in Section 3 of this application to represent this application:

First Consent and Authorization

original signed

Consent and Authorization Signature

ehren lee

Date

december 5, 2018

Second Consent and Authorization

original signed

Consent and Authorization Signature

kaela lee

Date

december 5, 2018

Contaminated Sites Regulation

Please note that pursuant to Section 4(4) of the Contaminated Sites Regulation, B.C.Reg. 375/96, site profile is not required and will not be accepted by the Islands Trust. If you have any questions, please contact the Islands Trust office.



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2018.10

To: Ehren and Kaela Lee

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

Lot 8, Section 10, Pender Island, Cowichan District, Plan 22149
PID: 003-322-645

2. This Development Permit NP-DP-2018.10 authorizes the construction of an accessory building, and a dock and ramp within Development Permit Area ("DPA") 10 – Riparian and Aquatic Development Permit Area, subject to the following requirements and conditions:

Riparian Area Regulation (Upland) Portion

General

- a. One (1) natural (unpaved) footpath for access across the Streamside Protection and Enhancement Areas (SPEA) to the dock structure and foreshore is permitted to be developed to a maximum width of 0.8 m under the supervision of the monitoring Qualified Environmental Professional (QEP).
- b. The only construction in the SPEA other than the footpath (a. – above) is the placement of footings for the dock ramp.

Tree and Plant Protection

- c. All trees shall be retained and native plant species shall remain undisturbed within the (SPEA) delineated on Schedules 'A' & 'B', attached to and forming part of this permit.
- d. Any dead trees ("snags") shall be left in the SPEA to provide habitat.
- e. Any tree removal required for permitted construction in the DPA (outside the SPEA) shall not be undertaken during the annual peak bird breeding season between April 1st and July 31st
- f. The removal of invasive plant species (i.e. Scotch broom and spurge-laurel) on the subject property is encouraged.
- g. Any native shrubs in the SPEA damaged during the placement of the ramp for the dock shall be replaced.
- h. Any landscaping and restoration within the DPA shall use native trees and shrubs only.
- i. During construction of the dock ramp and placement of the floating portion, nearby trees and their root systems are to be protected by wrapping in landscape cloth and highly visible flagging and/or snow fencing.
- j. Upon completion of construction, any unnecessary pruning of trees and shrubs in the SPEA is to be avoided, particularly those overhanging the water's edge to maintain maximum shading of aquatic habitat for fish.

Construction Management

- k. All contractors and construction personnel are to be notified of the SPEA location and the conditions of this Development Permit.
- l. There must be no encroachment into the SPEA by heavy equipment or machinery, nor any contact with existing mature trees in the DPA in general.
- m. Prior to arrival, hired contractors should wash and inspect all vehicles and equipment should to ensure invasive plant seeds are not transported onto the subject property. Any weeds should be manually removed on a regular basis.
- n. Prior to leaving, hired contractors should inspect all vehicles and equipment to ensure invasive plant seeds are not transported off of the subject property
- o. There must be no deposition into the SPEA of any materials from the construction process such as rock, soil or vegetation.
- p. A spill control kit shall remain on site for the entire construction period.

Sediment and Erosion Control

- q. All necessary measures to protect the water quality and fish habitat must be used by the property owners and contractors through the construction process, specifically:
 - i. Construction and landscaping should be undertaken during dry weather and not during periods of prolonged rainfall deposition.
 - ii. Prior to commencing construction, for the width of the property along the SPEA Boundary shown in Schedule 'A' and 'B', shall be delineated with temporary fencing and silt fencing shall be installed to the southwest of the building footprint and upslope of the SPEA boundary in accordance with the specification in Schedule 'C' , attached to and forming part of this permit.
 - iii. Any soils exposed or deposited for a period of greater than two (2) weeks shall covered and maintained by means of tarps in good repair and/or hydromulch (without seeds).

Stormwater Management

- r. During construction and when construction is completed, all storm water drainage and rain water collection from the dwelling must be directed away from the DPA and SPEA toward the Galleon Way (northeast).

Delineation of SPEA

- s. As the upland SPEA boundary generally corresponds to a steep, rocky boundary which protects it from runoff, there is no recommended fencing or hedging to delineate it from the rest of the property.

Water (Dock) Portion

Protection of Aquatic Area (Below High Water Mark – HWM)

- t. There is to be no dredging or placement of fill below the HWM.
- u. With the exception of footings for the ramp, neither the float and nor ramp structure shall rest on the lakebed or foreshore (SPEA).
- v. The float portion is to be placed with a minimum clearance of 1.5 metres (?) between the underside of the dock and the lakebed.
- w. The dock structure shall be located substantively in accordance with Schedule 'A' and 'B' and in an area where it does not impact fish habitat, particularly willow trees.

- x. There shall be no removal of trees for the ramp and dock construction, nor removal of rocks, or woody debris such as stumps, logs and snags from the lakebed.

Dock and Ramp Construction

- y. The ramp footings shall be constructed using only untreated wood, steel posts or precast (cured) concrete, and placed above the High Water Mark (HWM).
- z. The ramp and dock float shall be constructed using only untreated wood and encapsulated envirofloats or similar non-toxic and non-disintegrating material.
- aa. Dock construction is should be constructed away from the SPEA shoreline and floated into position upon completion.

Protection of the Foreshore

- bb. There must be no encroachment below the HWM by heavy equipment or machinery.

Monitoring

- cc. The monitoring QEP(s) shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.
- 3. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 - 4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 - 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 the lawful completion of the proposed development.

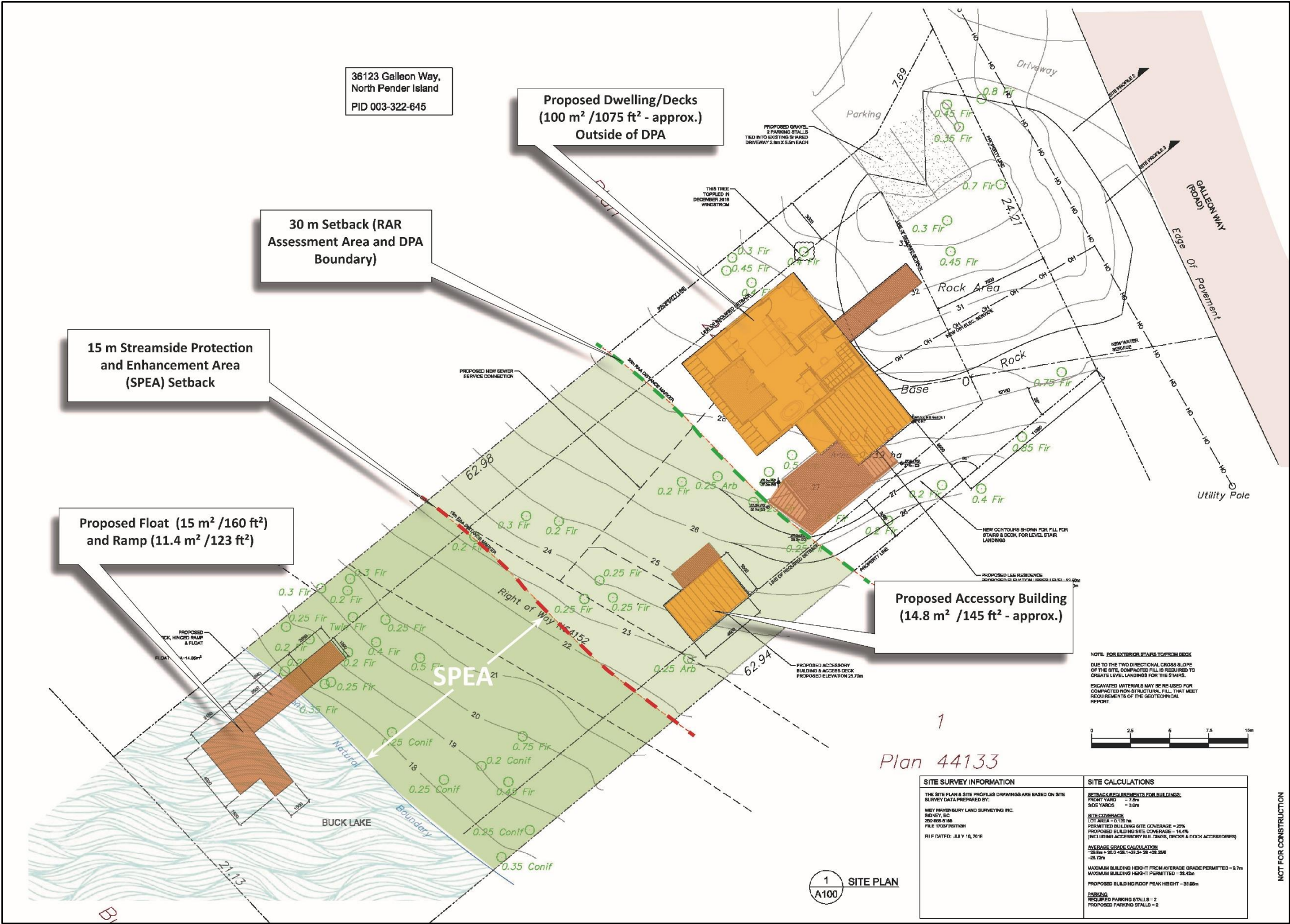
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, THIS
rd DAY OF , 2019.

_____, 2019
Deputy Secretary, Islands Trust Date Issued

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

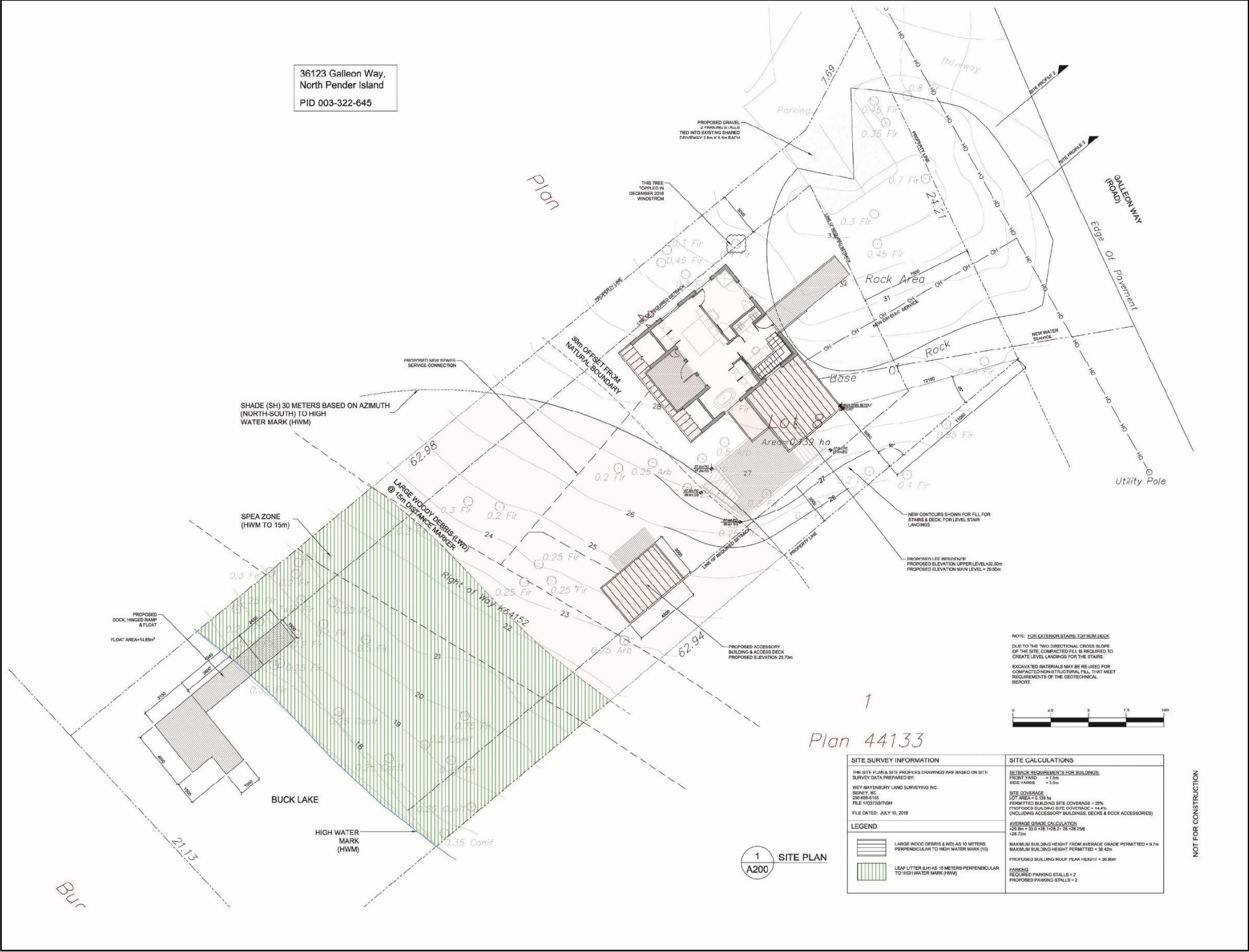
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2018.10
Schedule "A" (Site Plan)



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2018.10
Schedule "B" (Biologist's RAR Map)



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

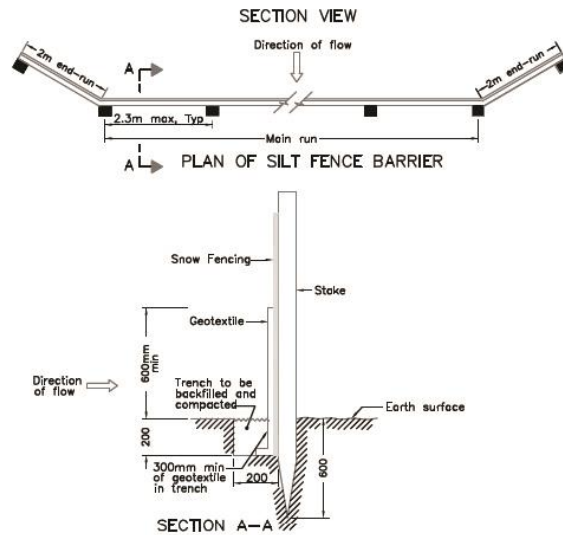
DEVELOPMENT PERMIT 2018.10

Schedule "C"

Erosion and Sedimentation Control Measures

EROSION AND SEDIMENTATION

- 1) PRE-STAKED SILT FENCE TO BE INSTALLED AS SHOWN PRIOR TO CONSTRUCTION AS DIRECTED BY THE ENGINEER.
- 2) TOPSOIL STRIPPED FOR REUSE TO BE STOCKPILED AWAY FROM WATER COURSES, DRAINAGE PATHS AND PROPERTY AND SHALL BE COVERED AND / OR SEEDED TO REDUCE EROSION.
- 3) ALL DISTURBED AREAS TO BE RESTORED AND LANDSCAPED AS SOON AS POSSIBLE FOLLOWING CONSTRUCTION.
- 4) ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED ON A REGULAR BASIS THROUGHOUT THE COURSE OF CONSTRUCTION BY THE CONTRACTOR. THE QUALIFIED ENVIRONMENTAL MONITOR (QEM) JOHN GRODS SHALL HALT PROGRESS OF ANY AND ALL WORK AND SHALL DIRECT CONTRACTOR TO REPAIR / ALTER CONSTRUCTION MITIGATION MEASURES IF THEY ARE NOT PERFORMING ADEQUATELY.



NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL

NTS

File No.: NP-TUP-2019.1 (Vermeeren)
(NP-BE-2018.20)

DATE OF MEETING: April 25, 2019

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Warren Dingman, Bylaw Enforcement Officer

SUBJECT: Temporary Use Permit (TUP) for Short Term Vacation Rental (STVR)
Applicant: Bryan and Lori Vermeeren
Location: 3812 Cutlass Court

RECOMMENDATION

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

REPORT SUMMARY

The purpose of this report is to consider a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within a dwelling unit.

In summary, the above recommendation for the issuance of the TUP is supported as the applicant's rationale is reasonable, it meets the specific guidelines of the OCP and the dwelling and guest capacity are small. To date, no written responses from neighbour(s) have been received. The cumulative impacts on the immediate neighbourhood are small. In addition, 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.

BACKGROUND

The proposal is for a TUP for Short Term Vacation Rental use within an existing, small single-family dwelling on the property. The TUP application is in the result of a bylaw enforcement action and will bring the STVR use on property into compliance with the Land Use Bylaw (LUB).

The applicant's stated reasons for the application are that despite intending to move to Pender Island full time, they are having to remain in Victoria and can only use the dwelling part-time. Therefore they are proposing to use the dwelling as a vacation rental occasionally to help pay bills. The owners propose to rent the house out for approximately eight (8) weeks per year.

The property is 0.19 ha (0.48 ac) in size and located on Cutlass Court in the Magic Lake Estates (see Figure One). The property is relatively level and open with some forest cover. The small 55 m² (588ft²) single level dwelling is oriented toward the south and Trincomali Passage across Cutlass Court (see Attachment 2.5).

The location of the nearest dwelling on the adjacent property to the west is also shown in the photographs (Attachment 2.5). The property to the east is vacant with the exception of two derelict travel trailers.

The maximum proposed guest capacity would be four (4) guests. They rent to a maximum of two (2) adults and two (2) children.

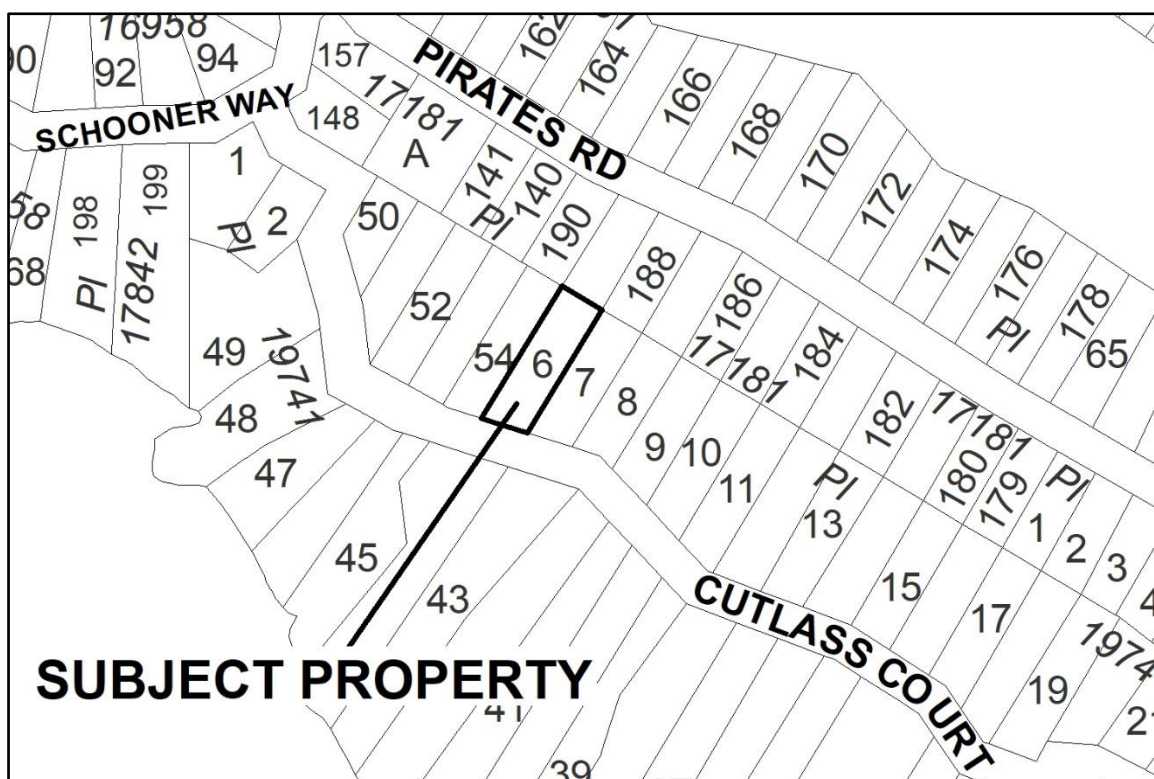
The driveway is able to facilitate four (4) cars. A copy of the 'Guest Information' provided to all visitors is Attachment 6. They are not proposing any alterations to the dwelling as part of this application and do have an on-island contact.

The dwelling is connected to both the CRD Magic Lake water and sewer systems.

A copy of the draft permit NP-TUP-2019.1 (Vermeeren) and the notice are Attachments 3 and 4.

Staff visited the property on February of 2019 (Attachment 2.3).

Figure 1 – Subject Property



ANALYSIS

Islands Trust Policy Statement:

The following ITPS policies are relevant and support the proposal:

5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

Official Community Plan:

The property is designated as **RR (Rural Residential)** in the North Pender Island Official Community Plan No. 171, 2007 (OCP).

Guidelines for TUP applications for STVRs are contained in the OCP. A completed analysis of all guidelines is Attachment 3. In summary, the proposal meets the applicable guidelines.

There are no **Development Permit Areas (DPAs)** on the subject property.

Land Use Bylaw:

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

The TUP will allow the specific STVR use on property in compliance with the LUB

Issues and Opportunities

Property Size and Proximity to Neighbours

The size and configuration of the subject property and that of the neighbours' are small and narrow. As shown in Attachment 2.3 the lack of screening (natural or otherwise) to the dwelling to the west may be an issue. However, the maximum number of guests being four and the applicant's own rule of a maximum of two adults would indicate that impacts would not exceed those of residential use.

The owners have submitted a copy of the 'Guest Information' sheet provided to all visitors (Attachment 7). That includes the on-island contact (Kye Nhanni) as per condition of the proposed TUP.

If issues arise, the conditions in the draft TUP provide recourse through enforcement and ultimately by denying an application for renewal.

Cumulative Impacts - Mapping

Staff has provided the mapping in Figure 2 to inform the OCP Guideline for assessing cumulative impacts:

- 6.4 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.

Cumulative impacts that should be considered include:

- Sense of community - The majority of homes in residential zones should be occupied by residents rather than visitors. Consideration should be given to the density of STVRs in an identifiable residential node or local neighbourhood relative to the number of homes occupied by residents.
- Frequency of Use –uses where the owners are the primary occupants and the STVR is a secondary use will have different impacts than where the use of the home is primarily or exclusively as an STVR.
- Traffic and parking – may be increased in neighbourhoods with a higher density of STVRs.
- Bylaw Enforcement – neighbourhoods where the existing STVRs have been the subject of Bylaw Enforcement may be less tolerant of additional STVRs due to on-going impacts.
- Size and number of guests – the current application is for a maximum of 4 people. The closest other TUP for a STVR is approximately 400 metres away on the North side of Magic Lake (Pegram – 6 people) the next closest is approximately 1.2 km to the northwest on Yawl Lane (Pasion – 4 people). Neither of these are in the local neighbourhood.
- Overall number of STVRs on the island - impacts on residential housing stock, both rental and owner occupied, including issued TUPs, pending TUPs (see: Figure 2), outright permitted and unlawfully operating ones. Consideration should be given to striking an appropriate balance between housing needs and vacation rental accommodation.

Permit Conditions

The proposed TUP incorporates most conditions that have been established in the OCP. It allows for a maximum of four (4) guests. As above, the applicant has noted that they only rent to a maximum of two (2) adults and two (2) children. The permit does not differentiate for enforceability reasons.

The applicant has reviewed and agreed to the terms of the proposed permit.

Statutory Requirement - Notification

TUP Notices were circulated to surrounding property owners and residents and published in the Driftwood newspaper on April 17, 2019. The notification period ended at 4:30 p.m. on April 24, 2019. To date, staff have received no responses.

Any submissions will be submitted to the LTC and reported at the LTC Regular Meeting.

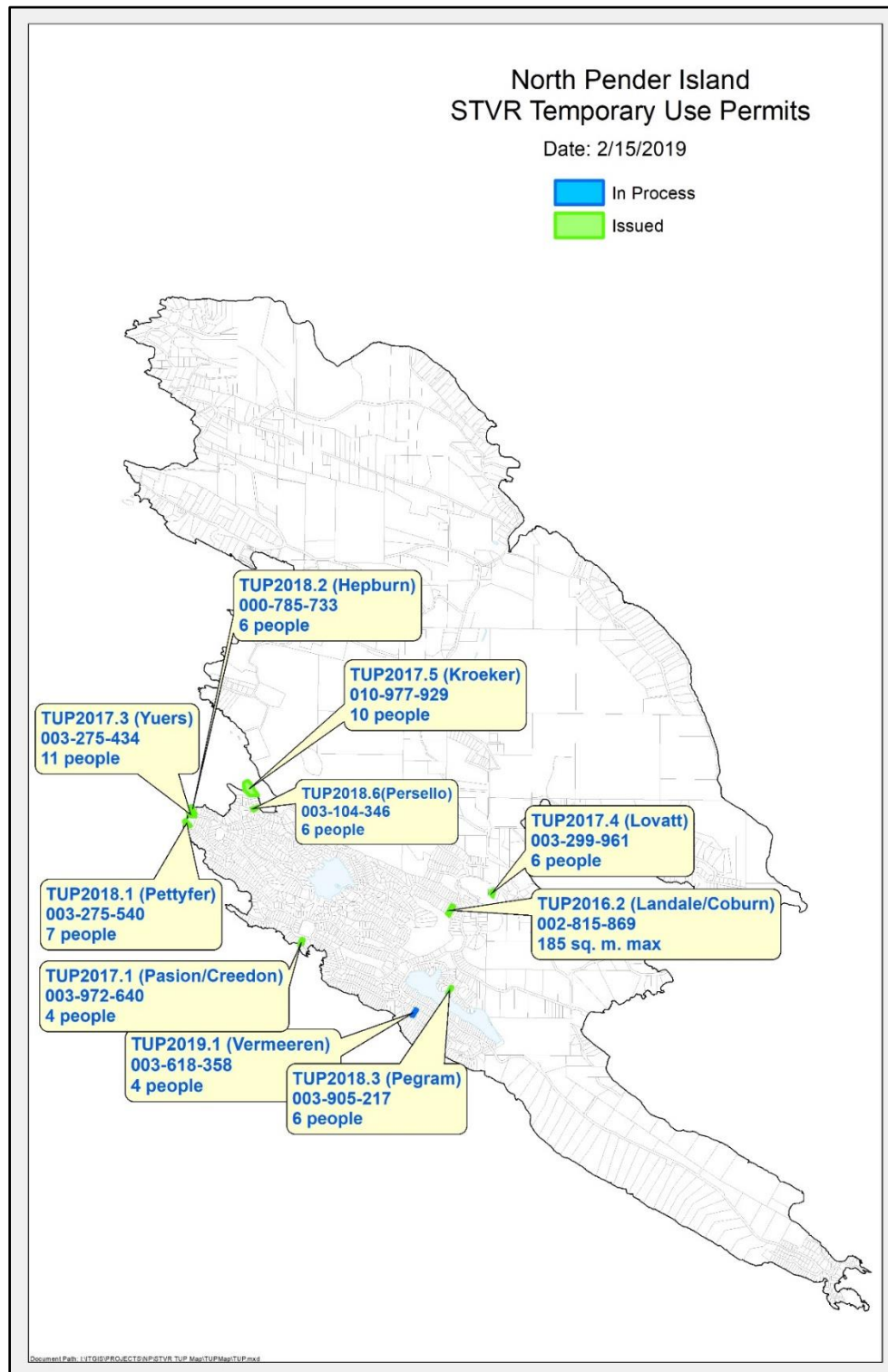
Agencies

If NP-TUP-2019.1 is issued, staff will refer the permit to the CRD staff contact for the Magic Lake Sewer and Water System in accordance with OCP policy 6.4.4.

First Nations

Temporary Use Permit applications do not trigger a requirement for First Nations referral and no development is authorized by the draft TUP. There are no recorded archaeological sites located within 100 metres of the subject property.

Figure 2 – STVR Map



Rationale for Recommendation

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

- The applicant's rationale is reasonable.
- The proposed STVR it meets the specific guidelines of the OCP.
- The dwelling and guest capacity are both small.
- The cumulative impacts in the immediate neighbourhood is nil as there are no other legal STVRs in the vicinity.
- To date, no responses to notification have been received.
- 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).

Recommended wording for the resolutions are as follows:

That the North Pender Island Local Trust Committee amend application NP-TUP-2019.1 (Vermeeren) by adding_____.

That the North Pender Island Local Trust Committee issue Temporary Use Permit NP-TUP-2019.1 (Vermeeren) 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 Temporary Use Permit NP-TUP-2019.1 Vermeeren).

Submitted By:	Phil Testemale Planner 2	April 10, 2019
Concurrence:	Robert Kojima, RPM	April 10, 2019

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Draft NP-TUP-2019.1 (Vermeeren)
5. TUP Checklist
6. Applicant TUP Checklist
7. Guest Notice

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 6, Section 8, Pender Island, Cowichan District, Plan 19741
PID	003-618-358
Civic Address	3812 Cutlass Court

LAND USE

Current Land Use	Rural Residential
Surrounding Land Use	Rural Residential

HISTORICAL ACTIVITY

File No.	Purpose

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR – Rural Residential designation and North Pender Island Official Community Plan No.171, 2007: There are no Development Permit Areas designated on the property.
Land Use Bylaw	The property is zoned as Rural Residential (RR) in the North Pender Island Land Use Bylaw No. 103, 1996:
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	NP-BE-2018.20 – violation is for the STVR use. Current application is for compliance.

SITE INFLUENCES

Islands Trust Fund	The proposal has no implications for the Island Trust Fund.
Regional Conservation Strategy	The proposal has no implications for the Regional Conservation Strategy.
Species at Risk	(N/A) No development associated with application
Sensitive Ecosystems	None (SE Mapping). The draft TUP does contain the requirement to provide information provided by staff on the Coastal Douglas fir ecosystem.
Hazard Areas	No areas of steep slope hazard on the property.
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone

	tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No development associated with application.
Shoreline Classification	Not Applicable

ATTACHMENT 1 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO



2.2 DPAs

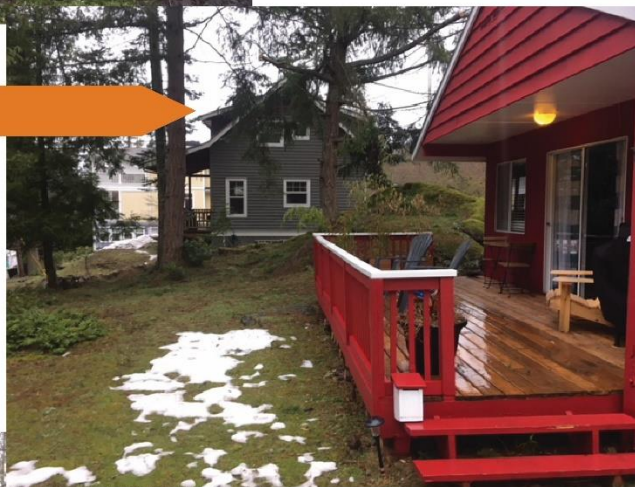


2.3 PHOTOGRAPHS



View northwest of dwelling on property

View west of front porch



East side of dwelling

2.3 PHOTOGRAPHS



View of neighbouring dwelling to west



Derelict trailer on property to east



Islands Trust

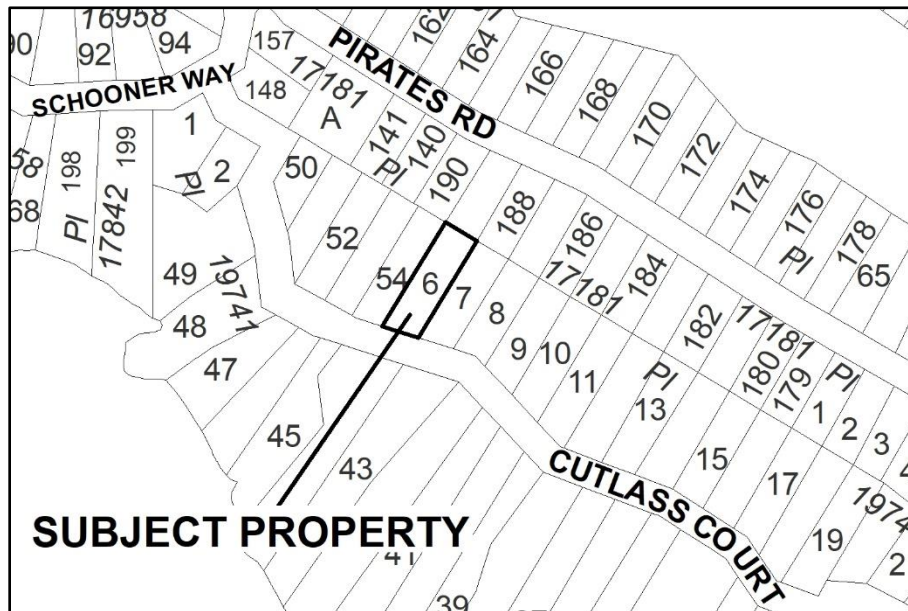
NOTICE
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2019.1

NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot 6, Section 8, Pender Island, Cowichan District, Plan 19741 (PID: 003-618-358). This property is located at **3812 Cutlass Court**.

The purpose of this temporary use permit would be to permit a **Short Term Vacation Rental within the Dwelling Unit** for a maximum occupancy of four (4) people (two adults and two children).

The establishment of these uses would be subject to the conditions specified in the permit. The permit would be issued for three years and the owner may apply to the North Pender Island Local Trust Committee to have it renewed once for an additional three years.

The general location of the subject property is shown in the following sketch:

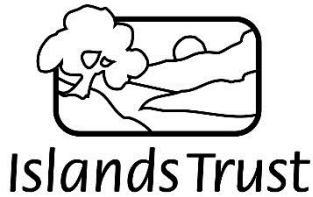


A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **April 12, 2019** and up to and including **April 24, 2019**.

Enquiries or comments should be directed to Planner Phil Testemale at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before 4:30 p.m., **April 24, 2019**. The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:00 a.m.**, Thursday, **April 25, 2019**, at the Pender Community Hall, 4418 Bedwell Harbour Road on North Pender Island.

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

Sharon Lloyd-deRosario, Deputy Secretary



PROPOSED

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2019.1 (Vermeeren)**

3812 Cutlass Court

To: Robert and Lorraine Vermeeren

1. This Permit applies to the land described below:

Lot 6, Section 8, Pender Island, Cowichan District, Plan 19741
(PID: 003-618-358).

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 maximum number of guests is limited to four (4);
 - e) camping and occupancy of recreational vehicles are prohibited;
 - f) signage advertising the Short Term Vacation Rental may not exceed 0.6 square metres;
 - g) the rental or provision of motorized personal watercraft is prohibited;
 - h) all outdoor fires are prohibited;
 - i) all parking for the Short Term Vacation Rental must be contained on the subject property;
 - j) 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;
 - k) 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;
 - l) 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 renewal of this 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 XX DAY OF MONTH, 201X.

Deputy Secretary, Islands Trust

Date Issued

Attachment 5: TUP Checklist for Short TERM Vacation Rental

NP-TUP-2019.1 (Vermeeren)
3812 Cutlass Crescent

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - 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.	Application is for STVR No seasonal time frame as a permit condition or number of weeks. Applicants rent only occasionally.
b) Residential Appearance - 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	No alteration proposed.
c) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	Reference Figure 2 in the Staff Report body. The closest other TUP for a STVR is approximately 400 metres The second closest is approximately 1.2 km metres northwest. It is the LTC’s discretion where the threshold for cumulative impacts lies.
d) Water and Septic - 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.	The lot is serviced by the Capital Regional District’s Magic Lake Community Water System and Sewer. Staff will refer the TUP to the Magic Lake Water System for information if approved. The septic system is new (2015) and installed under Island Health Permitting.
e) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Site visit confirms there is adequate space for at least four (4) off-street parking spaces (see Attachment 2.3).

Attachment 5: TUP Checklist for Short TERM Vacation Rental

Guidelines	Comments
	Draft TUP condition to require that all STVR parking is accommodated on site and no camping is permitted on or off the property.
f) Sensitive Ecosystems - 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	N/A.
g) Signage - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m ²	No street signage proposed. Draft TUP limits signage to 0.6 m ²
h) Operator Contact I - 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.	Condition of draft TUP. See: Report body.
i) Operator Contact II - 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	Condition of draft TUP.
j) Guest Information - 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;	Condition of draft TUP. Owner has provided a copy of "House Manual"/"Guest Information" (Attachment 7)
k) Accessory Buildings - 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 m ² , and if the building has received an occupancy permit for residential use under the BC Building Code.	N/A
l) Bylaw Enforcement - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Condition of draft TUP

Attachment 5: TUP Checklist for Short TERM Vacation Rental

Permit Conditions	
m) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may: i. Limit the number of bedrooms that can be used for short term vacation rentals	Not included in draft TUP. However, LTC could consider such depending on neighbourhood notification response.
ii. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
iii. require the landowner/operator to post contact information and permit information at the entrance to the property	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
iv. prohibit camping or occupancy of RVs on the property	Condition of draft TUP.
v. prohibit the rental or provision of motorized personal watercraft	Condition of draft TUP
vi. prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake	Condition of draft TUP
vii. prohibit outdoor fires	Condition of draft TUP
viii. establish the dates during which the use may occur	
Agriculture Land Reserve	
n) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A

OFFICE USE ONLY

File No: _____

NORTH PENDER ISLAND STVR TUP CHECKLIST

Issue	Information and Documentation Required	✓	Comments
Site Plan	Depending on the proposal, a site plan <i>may</i> be required.		
	Site Plans must be drawn to scale and based on a legal survey, and contain the following:		
	Existing buildings and structures labeled as to their use and their floor area.		attached
	Roads and driveways		attached
	Streams or other water bodies		None
	Natural boundary of the sea		No
	Well location		No well
	Septic field location		No septic field
	Off-street parking area showing dimensions sufficient to accommodate at least two vehicles, and more as required by the proposed use		Parking on property for 4 vehicles
	Any fences or vegetative screening between adjacent lots or the road		None
Intensity of Use Proposed	Applicant should provide the following information:		
	No. of bedrooms proposed for STVR use		1 bedroom, 1 small childrens room
	Maximum no. of guests to be permitted at one time		2 adults
	No. of weeks per year unit is proposed to be available		8
Potable Water	Where the subject property is serviced by groundwater, the applicant should provide:		
	A written statement concerning the quantity and quality of water available on the subject lot.		
	Any available supporting documentation related to the quantity and quality of potable water on the subject lot.* *Islands Trust staff may ask for further information, including professional reports, related to quantity and quality of available water.		Does not apply (magic lake estates)
	Where a subject property has insufficient groundwater to support the proposed use, applicant should provide: Plans for a rainwater catchment, storage, and delivery system.		
Septic Capacity	Where the property is serviced by a septic system, the applicant should provide:		
	A written statement about the septic system on the subject property including: - Date of installation - Capacity of the system		Does not apply (magic lake estates)
	Any available supporting documentation related to the quantity and quality of potable water on the subject lot.*		
	*Islands Trust staff may ask for further information, including professional reports, related to sewage disposal systems.		

NORTH PENDER ISLAND STVR TUP CHECKLIST			
Issue	Information and Documentation Required	✓	Comments
Residential Appearance	If building or land alterations are proposed as part of the STVR use, they should not alter the residential appearance of any existing residence and the applicant should provide:		None
	Plans showing form, character and floor area of proposed building or land alterations.		None
Sensitive Ecosystems	Where a property is located within, or contains, a sensitive ecosystem*, applicant should provide:		Does not apply
	A copy of the information intended to be provided to guests indicating the location of the sensitive areas, and information on how to avoid impacting these sensitive features. Applicant should state how this information will be conveyed to guests. *Use Islands Trust's MapIT program or the Development Permit Area map for North Pender Island to identify sensitive ecosystems on your property. Or, contact Islands Trust staff for further information. Please note, where new development or vegetation removal is to be undertaken as a part of the proposed STVR use, a Development Permit for work within a sensitive ecosystem may be required.		
On-Island Contact	Applicant should provide contact information for an on-Island owner or manager to address issues that may arise from the proposed use, 24 hours/day, seven days per week.		Kye Nahanni (250)222-0015
Information for Guests	Applicant should provide a copy of information to be provided to guests that:		
	Reminds them they are in a residential area		Attached
	Provides information regarding noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets (if pets permitted)		attached
	Provides emergency service contact information and offers use of a phone for the duration of the stay, if required.		Attached
	Application should also demonstrate where above information will be posted in the building		located in guest welcome book
Signage	If signage is proposed, applicant should provide a rendering of the proposed sign that includes its dimensions.		No signage
Accessory Buildings	If the proposed use is to occur in an accessory building, the applicant should provide information demonstrating:		
	That accessory building has an occupancy permit for residential use under the BC Building Code		None
	That the total floor area of all buildings on the property does not exceed 185 m ² .		

Additional Comments	Our cottage has neighbours on one side, and a 1/2 acre empty lot on the other. We have spoken with our neighbours Chris and Donna, and let them know we would like to occasionally rent our cottage as a vacation rental. They had no objections.	
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Greetings, welcome to our cute and cozy Pender Island cottage!



Please note you are in a residential area, and must abide by our local bylaws (see noise bylaws on next page). Our neighbors are very nice people, please make sure to keep noise to a minimum, and be a friendly and good neighbour.

The tap water is safe to drink, please conserve water whenever possible as magic lake estates' water supply is limited.

There are fire extinguishers located:

- Above fridge
- Beside bbq on front porch
- Inside shed behind house

There is a smoke detector and carbon monoxide detector in the cottage near the kitchen.

In case of emergency call 911, the address is 3812 Cutlass Court, north Pender island

Garbage and recycling receptacles are located in the shed behind the house, please be sure to close the rodent proof lid on the garbage.

The house is on municipal sewer system.

No pets please.

Contacts (please feel free to call 24/7 with questions or concerns):

on-island manager: Kye Nahanni (250)222-0015

Owner: Bryan Vermeeren (250)213-7808

Owner: Lori Vermeeren (250) 510-0378

GENERAL PROHIBITION

No person shall make, cause to be made, or continue to make any noise or sound in the Electoral Area which creates a noise that disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons at or near the source of such noise or sound.

SECTION 3 SPECIFIC PROHIBITIONS

Without limiting the generality of the prohibition contained in Section 2:

1. No person shall load or unload any truck, motor vehicle, or trailer in or upon any public or private place or premises before the hours of 7:00 am (8 am on Saturdays, Sundays or Holidays) or after 7:00 pm.
2. No person shall construct or use construction equipment before the hours of 7:00 am (8 am on Saturdays, Sundays or Holidays) or after 7:00 pm.
3. No person or business shall play amplified music outdoors between the hours of 11:00 pm and 7:00 am (8 am on Saturdays, Sundays or Holidays), that disturbs or tends to disturb other people as described in Section 2 of this Bylaw.

CRD Bylaw No. 3378 -2-

4. No person or business shall play amplified music indoors between the hours of 11:00 pm and 7:00 am (8 am on Saturdays, Sundays or Holidays), unless all reasonable measures have been taken to abate the noise that disturbs other people as described in Section 2 of this Bylaw.
5. No person shall operate on a property any automobile, truck, motorcycle, trail bike, bus, motorized hang glider, or other vehicle which by reason of disrepair, lack of a sufficient muffler, or any other cause, creates noise or sound that disturbs the quiet, peace, rest, enjoyment or comfort of individuals or the public.
6. No person shall discharge a firearm before the hours of 9 am or after 7 pm that disturbs or tends to disturb other people as described in Section 2 of this Bylaw.

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

DATE OF MEETING: April 25, 2019
TO: North Pender Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima
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 renewal of Temporary Use Permit (TUP) NP-TUP-2019.2 (Hepburn) for the maximum allowed (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 there is no record of complaint or bylaw infringement issues over the term of the original TUP. In addition, the applicants have demonstrated that they have adhered to the conditions identified in the original permit.

BACKGROUND

The detailed staff report 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

To address neighbour concerns related to potential noise, the LTC accepted staff recommendation to limit the original TUP issued on May 28, 2018 for one (1) year as a “trail run” and to limit the number of guests to six (6).

The TUP for a STVR on this property is one (1) of nine (9) issued on North Pender Island (see Appendix 1). This is the first STVR TUP renewal proposal for North Pender Island.

The applicant, through email correspondence and conversation with staff, has demonstrated and indicated adherence to the conditions identified in the original permit (see Appendix 2) by:

- Providing to guests the name and contact number of property owner and the on island contact person as well as emergency service contact information;

- Posting the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;
- Providing 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;
- Providing 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);
- Reminding guests that the property is located in a residential area;
- Providing 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;
- Limiting the number of guests to six (6);
- Prohibiting camping and occupancy of recreational vehicles;
- Not renting motorized personal watercraft;
- Prohibiting outdoor fires; and
- Providing parking on the subject property for guests of, and visitors to, the Short Term Vacation Rental.

Under s.497 (2) of the Local Government Act the TUP may be renewed only once. Additional conditions, including those that were not imposed on the original term, can be added. Once the renewed permit has expired, the applicant can submit an application for a new TUP.

Rationale for Recommendation

Given that there have been no recorded complaints from neighbours, staff recommend that a three (3) year renewal of the TUP be granted. Staff also see no need for additional conditions to be added at this time (see Appendix 3).

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. **Request further information.** The LTC may request further information from the applicant before proceeding with a decision.
2. **Approve for shorter period of time.** The maximum period for renewal of the TUP is three years. A reduced period of time for the renewed permit can be determined at the discretion of the LTC.
3. **Approve with additional conditions.** Additional conditions, including those that were not imposed on the original term, can be added to the renewed permit.
4. **Deny the application.** The applicant would no longer be able to use the property for STVR purposes once the original permit has expired (May 28, 2019). The application may submit another application for a new permit at a later date.

Submitted By:	Narissa Chadwick, Island Planner	April 16, 2019
Concurrence:	Robert Kojima	April 16, 2019

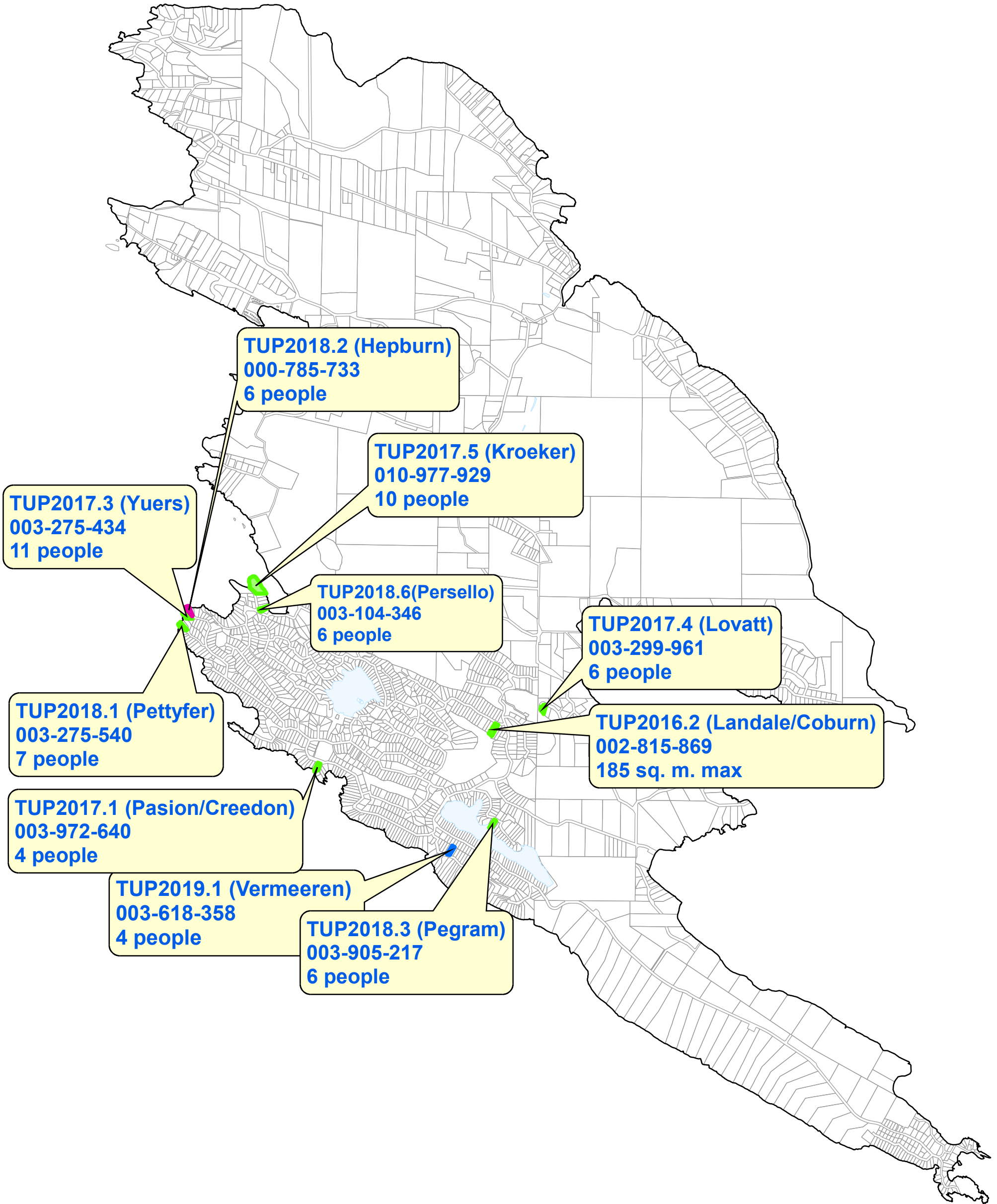
ATTACHMENTS

1. North Pender STVR TUP Map
2. Previous Permit
3. Proposed Permit

North Pender Island STVR Temporary Use Permits

Date: 4/11/2019

- In Process
- Issued
- Renewal





Islands Trust

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
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:

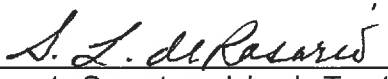
a) a Short Term Vacation Rental within the Dwelling Unit.

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 one (1) year 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 renewal of this 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 24th DAY OF MAY, 2018.


Deputy Secretary, Islands Trust

May 28, 2018

Date Issued



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

File No.: NP-RZ-2019.1 (Sketch)
(NP-BE-2018.9)

DATE OF MEETING: April 25, 2019
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Warren Dingman, Bylaw Enforcement Officer
SUBJECT: Rezoning Application – Preliminary Report
Applicant: Michael Sketch
Location: North Pender Island Local Trust Area (Andrew Place, Stanley Point)¹

RECOMMENDATION

1. That the North Pender Island Local Trust Committee deny application NP-RZ-2019.1 (Sketch).

REPORT SUMMARY

The purpose of this preliminary report is to provide background on the proposed bylaw amendment and to seek direction from the North Pender Local Trust Committee (LTC) to proceed, or not proceed, with application NP-RZ-2019.1

The application is being made by a private citizen to amend the North Pender Island Land Use Bylaw no. 103, 1996 (LUB) by amending Subsection 3.4.3 to permit the construction or placement of accessory buildings and structures prior to a building permit being issued for the principal building or structure on the same lot. The amendment would apply to all properties on North Pender (with exceptions).

The applicant has made the following specific amendment proposal (in his words):

3.4.3 Accessory uses, excepting a home business use, are permitted and buildings or structures may be constructed or placed without there being a principal use (i.e. a residence) on the same residentially zoned lot where the subject land is not in the Agricultural Land Reserve. The cumulative footprint of all accessory structures shall not exceed 5% of the lot area, or of that portion of the lot not in the Agricultural Land Reserve, whichever is less. Where the appearance from a lot line of said structures or buildings is at variance with those on nearby lots or is contrary to the predominantly rural aesthetic, screening is required.

and renumber current Par. 3.4.3 and 3.4.4 with 3.4.4 and 3.4.5 respectively.

¹ The applicant's property with Bylaw Violation is on Andrew Place, Stanley Point (see Figure 1)

Please note that if the LTC opts to proceed with the amendment application, staff would not recommend the preceding applicant's approach or wording.

The above recommendation is supported as the current use of the applicant's property is accurately described as a storage use and the physical conditions of the property for any future residential use is extremely limited by geotechnical conditions. The illegal use should be addressed through either compliance or a site-specific development application. As there is no prospect for any permitted principal use on the property, the amendment would be contrary to the intent of allowing accessory uses prior to residential uses, and is proposing to amend zoning broadly to resolve a particular situation of the applicant. Both the requested wording and changing policy island-wide through a rezoning application are inappropriate. Staff have long noted that an amendment to permit limited accessory use prior to residential use has merit (e.g. one small accessory building), but recommends that occur in the context of a technical amendment or review of the LUB.

BACKGROUND

The proposal is proceeding as a result of bylaw enforcement action (NP-BE-2018.9). That violation is for the placement of accessory structures (five [5] storage containers) on the applicant's property on Andrew Place (Figure 1) without a Building Permit being issued by the CRD for a principal building or structure on same the lot. That placement of storage containers is shown in Attachment 1.4. When the containers were placed by the applicant, Bylaw Enforcement received numerous complaints about the size and nature of the use on the property where the principal allowable use is residential. This is discussed further in 'Issues and Opportunities' (below).

It is noted that a container(s) has also been placed at another property in the area not owned by the applicant and is under investigation by enforcement staff to determine if a residential use has been established on the property.

For clarity, the size of standard shipping container is 2.44 m x 6.1 m (8' x 20') or 14.9 m² (160 ft²). The total area of the structures placed on the applicant's property is 74.4 m² (800 ft²).

Upon investigation, the applicant was given the following alternatives to bring his property into conformance with the LUB:

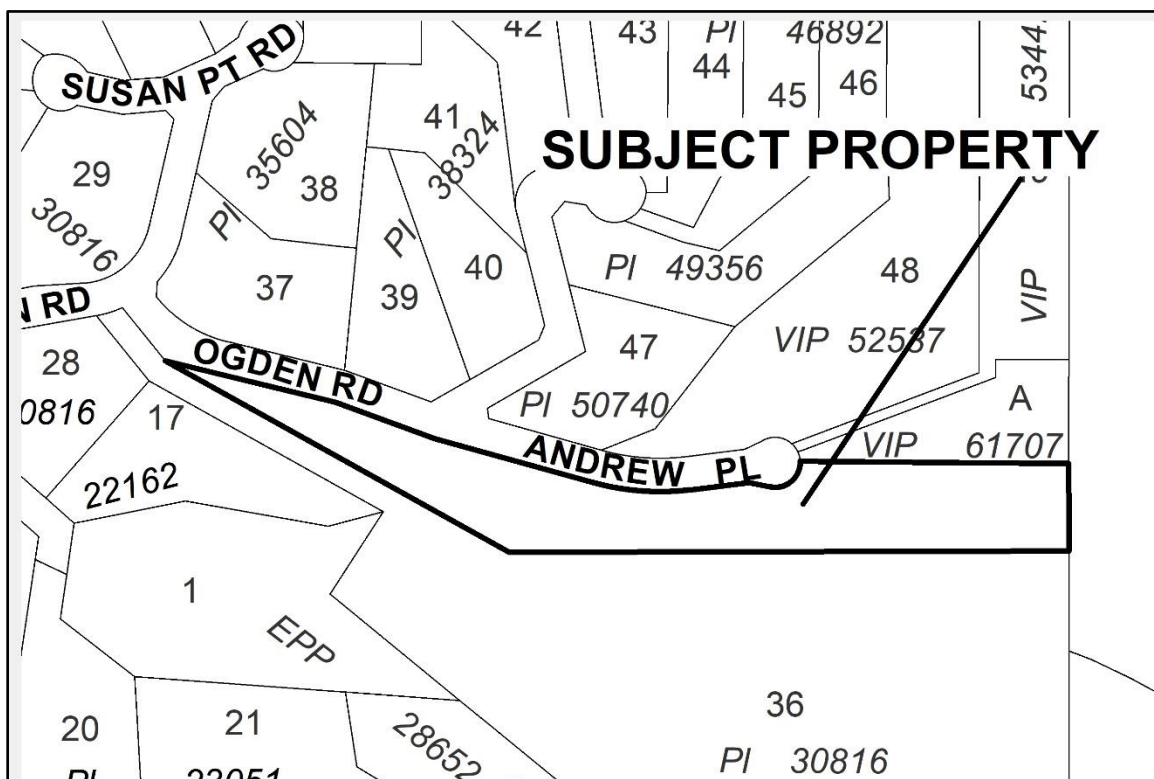
- Obtain and maintain an active residential Building Permit for the property with the CRD in order to establish a 'pathway to compliance'
- Remove the storage containers and cease the use on the property.
- Apply for a Temporary Use Permit (TUP).
- Apply to rezone the property to allow the use and the size of the use on the property.

The current application is unique (see 'Issues and Opportunities' below) where an applicant is initiating a policy amendment (as opposed to the LTC), but nonetheless does present one pathway to compliance for the applicant.

The applicant has provided the following rationale for the proposed amendments:

Currently without a building permit for the principal use, a owner of unbuilt residentially zoned land must pay property tax but may not permit build or place a structure – whether wheeled on not, whether with a foundation or not - on their land (excepting a fence, ground surfacing, sewage disposal field and arguably a water services pumphouse), I believe that by and large landowner actions are in good faith, but that with unreasonable restrictions on unbuilt residentially zoned land, many North Pender lots don't comply with the LUB. With thoughtful and reasonable regulation, a landowner may be less inclined to develop an unbuilt lot, so reducing the attendant water and sewage costs of a principal residence.

Figure 1 – Applicant's Property on Stanley Property



ANALYSIS

Note: Although the rezoning application is for a change to a general regulation in the LUB, alternatives open to the LTC involve addressing the use solely on the applicant's property. Therefore, analysis of that property and uses on it is relevant to the following analysis and discussion.

POLICY/REGULATORY

Islands Trust Policy Statement:

The applicable ITPS statement follows. This has relevance to how the use has been initiated on the applicant's property. The visual/aesthetic impacts associated with a storage use would have relevance only in the case of a site-specific rezoning or TUP application on the applicant's property (see 'Issues and Opportunities' and 'Alternatives' –below). If the LTC is to proceed with the application, then the ITPS would be analysed further in future reporting.

5.2 Growth and Development

- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development

Official Community Plan:

The applicant's property is designated as **RR - Rural Residential** in the North Pender Island Official Community Plan No. 171 (OCP). There is a small portion of the property that is designated in **Development Permit Area 4 – Wetland Ecosystems** (see Attachment 1.2). This DPA is distant from where the storage containers have been sited.

The one OCP policy that are relevant to the application for the requested policy change:

Rural Residential Policies

- 2.1.1.1 The principal use shall be residential. Accessory uses shall not detract from the rural character of the island.

Land Use Bylaw:

The applicant's property is zoned as **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996 (LUB).

The specific subsection of the LUB that is the subject of the application is in Section 'General Regulations' of the LUB and is as follows:

- 3.4.3 An accessory building or structure may be constructed or placed and occupied as a temporary dwelling prior to the construction of a principal building or structure on the same lot provided that a building permit has been issued for the principal building or structure and the water supply and sewage disposal facilities for the principal building or structure have been installed.

For clarity, staff has consistently interpreted the 'temporary dwelling' portion of the Subsection as supplementary. That is to say, an accessory building does not have to be occupied as a temporary dwelling. However, in order to obtain a building permit for the principal building for a residence from the CRD, water and sewer are required. In addition, the regulation is noted as being a single accessory building, not multiple structures.

Issues and Opportunities

Use on the Applicant's Property

Current use and number of structures

The owner has initiated what is clearly a storage use that is permitted in the **Light Industrial (I1) Zone**. In the application, there is no indication that a principal residential use will be initiated on that lot. The applicant's own submission to the LTC on January 31, 2019 states that "...any residential use of the property is not practical" (Attachment 3). There are serious geotechnical issues (slope and rockfall) with the particular lot as evidenced by the steep slope and narrow configuration of the property (Attachment 1). As such, although legal under the LTC regulations, residential use of the property is improbable at best.

Further, if the bylaw amendment proceeded as suggested by the applicant, it is highly likely that staff would recommend that the number of accessory buildings be limited to one or two small buildings, making the current infraction unlikely to conform as there are five (5) containers on site. That number clearly has visual impacts, as evidenced by photos in Attachment 1.4. Those impacts of the use are more suitably expected in a light industrial zone.

Neighbour Concerns/Complaints

Upon the applicant placing the shipping containers on his property, the Islands Trust received numerous complaints via telephone and writing. The written correspondence is Attachment 2. One piece of correspondence is neutral on the specific use and more concerned about the application of enforcement (unbalanced). The other two are concerned about the storage use on the property, the visual impact of the containers and the legality of the use. Phone complaints from other neighbours on Stanley Point have overwhelmingly been against the current use.

Building Form

A concern expressed by neighbours is the aesthetic and visual impacts of the form of storage containers. Under the *Local Government Act* design (character, form, colour, etc.) can only be regulated with multi-family residential, commercial and industrial development (through Development Permit Areas) or through landscape screening requirements in the LUB. The form and character of single family residential development (and accessory uses by extension) cannot be regulated.

The exception could potentially be in the context of a site-specific rezoning or TUP application where the LTC has discretion to negotiate on such matters or impose conditions. For this reason, these aspects should be set aside and not factored into the consideration of the merits of the particular application. The focus of consideration should remain on the current illegal use of the property, the merits of the proposed policy change, and how and when the latter is addressed.

Policy Considerations

Current Regulation

As above, staff regularly receive enquiries on the regulation for constructing or placing accessory buildings on lots prior to the principal use and almost exclusively this involves Rural Residential/Rural properties. Mainly people are seeking to have storage (building materials, etc.) or a small habitable space that allows them to use their property prior to building their principal dwelling on the lot. Given many properties are recreational or 'transitional' properties for people this is not an unreasonable request. The current regulation considers the requirements for a temporary dwelling and strikes something of a balance where the requirement for a Building Permit ensures that people do not abuse that flexibility and neighbours have certainty about the how development proceeds. Further the requirement for water and sewer where the accessory building or structure is to be inhabited temporarily addresses potential health and safety issues.

The current application highlights that the requirement for a building permit where the proposed accessory building is not for a dwelling lacks some flexibility. Commonly people will want to take time to be on their property and plan the residential use over time.

For these reasons, staff is of the opinion that a provision that allows for limited accessory building(s) (i.e. for storage or workshop use) on residentially zoned parcels in advance of obtaining a building permit for the principal use has merit. This is also reflected in the approaches of neighbouring LTC's outlined in the following section.

Approach from other LTCs

In order to provide context and inform decision making, the following is a synopsis of what is permitted on neighbouring islands.

Galiano Island (Section 2.2 of LUB 127, 1999):

- 0.1 Accessory buildings and structures may be constructed on a lot before the construction of the building or structure to which they are accessory, but no home occupation may be conducted in such an accessory building or structure until the building or structure to which it is accessory is constructed and occupied.

Mayne Island (Subsection 3.5 (2) of LUB 146, 2008):

- (2) The following buildings or structures may be constructed or placed on a lot prior to the construction of a principal dwelling or the commencement of a principal residential use on the same lot:
- (a) one utility shed, and
 - (b) one building for the purposes of storage of building material for use on the lot and storage of personal effects.

Any other accessory building or structure may only be constructed or placed on a lot prior to the construction of a principal dwelling, or the commencement of a principal residential use, on the same lot provided that a valid building permit has been issued for any principal building on the same lot, and subject to the maintenance of a building permit for a principal dwelling on the same lot.

Saturna Island (Subsection 2.4.4 of LUB 119, 2018)

2.4.4 The following buildings and structures may be constructed or placed on a lot prior to the construction of a principal residence or the commencement of a principal residential use on the same lot:

2.4.4(1) one storage building not exceeding 61 square metres (656 sq. ft.) in floor area, and

2.4.4(2) one utility building or pumphouse not exceeding 9.3 square metres (100 sq. ft.) in floor area.

Any other accessory building or structure may only be constructed where a valid building permit has been issued for the construction of a principal use building on the same lot.

South Pender (Subsection 3.5 (2) - (3) of LUB 114, 2016):

(2) An *accessory building* may be constructed or placed on a *lot* and occupied as a temporary *dwelling* prior to the construction of a *dwelling* on the same *lot*, subject to:

- (a) a *building* permit being issued, and remaining in effect, for the *dwelling*;
- (b) the connection of the *accessory building* to sewage disposal facilities complying with the *Public Health Act*;
- (c) the provision of a domestic water supply to the *building*;
- (d) compliance with the *use*, density and siting requirements of this Bylaw for *dwellings* and *cottages*; and
- (e) the occupancy of the *accessory building* ceasing prior to or concurrently with occupancy of a *dwelling* on the *lot*.

(3) One *outbuilding* may be constructed or placed on a *lot* prior to the construction of a *dwelling* on the same *lot*, subject to:

- (a) the *floor area* not exceeding 70m² (753 ft²), or in the case of an open-sided *structure*, the *lot coverage* of the *outbuilding* not exceeding 70m² (753 ft²).
- (b) a maximum of one *outbuilding* per lot.
- (c) the *height* not exceeding 4.6 metres (15 feet).

With the exception of Galiano, all of the LUBs limit the number of allowable accessory buildings or structures prior to a residence, and Saturna and South Pender (the most recent Bylaws) also regulate the maximum size. What underlies each is the intent to provide a measure of flexibility in support of the residential use of a property.

Process

The current application does not follow a standard approach for addressing wider policy changes for a Local Trust Area's regulations. Normally, a private citizen, group of citizens or other body petitions the LTC to change a policy, or policies, either through the LTC initiating a bylaw or through deferring consideration of such a change of regulation to an overall technical review of the LUB. It is noted that staff has previously listed the issue of permitting one accessory building prior to a principal use in an inventory of potential changes for any future technical amendment.

For the LTC to initiate the changes, a bylaw would require it to either add the project to the projects list as a future initiative, or by a resolution to make it a Top Priority project. Initiating the technical review of the LUB would also

require that it be made a Top Priority project. Staff have presented these as 'Alternatives' (below) for the LTC to consider if the application as applied for does not proceed.

An important consideration is whether an individual should be initiating a policy amendment rather than the LTC. The specificity of this application removes the flexibility that a policy review should maintain. Although the application highlights a common issue that staff is aware of (above and below), staff is of the opinion that the specific proposed amendment would be inappropriate to consider in all residential zones. The potential deficiency in the LUB is not one that is unique to the individual landowner and it does not obstruct him from using his property as it is currently zoned, nor limit other more suitable options for legally complying with the LUB.

Consultation

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold a Community Information Meeting (CIM) prior to that. If this application proceeds, staff will make recommendations on scheduling a CIM prior to, or in conjunction with the Public Hearing. A public hearing is scheduled with LTC direction after draft bylaws are complete, reviewed and have received First Reading.

The public hearing notice would be posted as per statutory and bylaw requirements in advance of the public hearing.

Agencies

If the application proceeds, staff will make recommendations on agency referrals in subsequent reporting to the LTC. Additionally, the LTC may choose to refer the proposal to the Advisory Planning Commission.

First Nations

This application does not require an Official Community Plan amendment and therefore there is no First Nation consultation requirement. Given the nature of the application staff are not recommending consultation.

Rationale for Recommendation

The recommendation on page 1 is supported as the current illegal use of the applicant's property is accurately a storage use (light industrial). Staff believes the current application to wholesale amend the LUB would divert focus from the issue of that use on the specific property. The statements of the applicant, the proposed wording and the physical conditions of the applicant's property all preclude residential use, therefore the applicant's argument for requesting the change to the bylaw regulation at first undermines the intention of having a limited accessory use in support of a residential use, not to replace that use.

In addition, staff does not believe that the current application should be supported as any policy change initiated by and funded by one individual lacks the necessary political direction required for such a review. If the LTC deems the issue significant enough and urgent enough at this point in time, alternatives that follow an appropriate process have been outlined below.

Therefore, staff is recommending that the current application be denied and the policy consideration be deferred to a technical review of the Land Use Bylaw.

ALTERNATIVES

Staff is of the opinion that the alternative of suggesting that the applicant apply for a Temporary Use Permit (4 – below) would be the most appropriate mechanism to address the use of the applicant's property (barring compliance) and it is the right of the applicant to make such an application. However, the scale of the use and lack of support in the local community would make such an application challenging.

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 _____.

2. Proceed with the application

The LTC may choose to proceed with the application as proposed.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee direct staff to proceed with the application NP-RZ-2019.1 (Sketch) and to prepare a draft bylaw.

3. Proceed with the application as a site specific rezoning

The LTC may choose to proceed with the application by amending the proposal as a site specific use.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee direct staff to amend application NP-RZ-2019.1 (Sketch) to a site specific rezoning to permit storage use of THE FRACTIONAL NORTH WEST 1/4 OF SECTION 23, PENDER ISLAND, COWICHAN DISTRICT EXCEPT PARTS IN PLANS 20607, 20608, 21047, 21390, 22162, 23051, 27279, 30816, 32215, 35604, 38324, 46892, 49356, 50740, VIP52537 AND VIP5344.

4. Deny the application and recommend the applicant applies for a Temporary Use Permit (TUP)

The LTC may deny the application and suggest the applicant make an application for a TUP for the storage use on his property. Staff advise that the implications of this alternative are that the file will be closed and an application refund will be processed. Bylaw enforcement would not be reinitiated if a TUP application is received within 30 days.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-RZ-2019.1 (Sketch) and further suggests that the applicant make an application for a Temporary Use Permit for the storage use on his property.

5. Deny the application and add the project to the list of future initiatives,

The LTC may deny the application and add the project to the projects list as a future initiative.

Recommended wording for the resolutions is as follows:

That the North Pender Island Local Trust Committee deny application NP-RZ-2019.1 (Sketch) and add a technical review of accessory building regulations to the projects list.

6. Hold the application in abeyance

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

NEXT STEPS

Describe the next steps in the process, if applicable.

- If the LTC opts to deny the application, the application will be closed, the fee refunded to the applicant and the Bylaw Enforcement File would be reactivated unless a Temporary Use Permit application is submitted.
- If the application proceeds staff will report back with further information (if requested), a draft bylaw amendment for First Reading and a review of the Islands Trust Policy Statement Directive Policies

Submitted By:	Phil Testemale, Planner 2	April 16, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	April 16, 2019

ATTACHMENTS

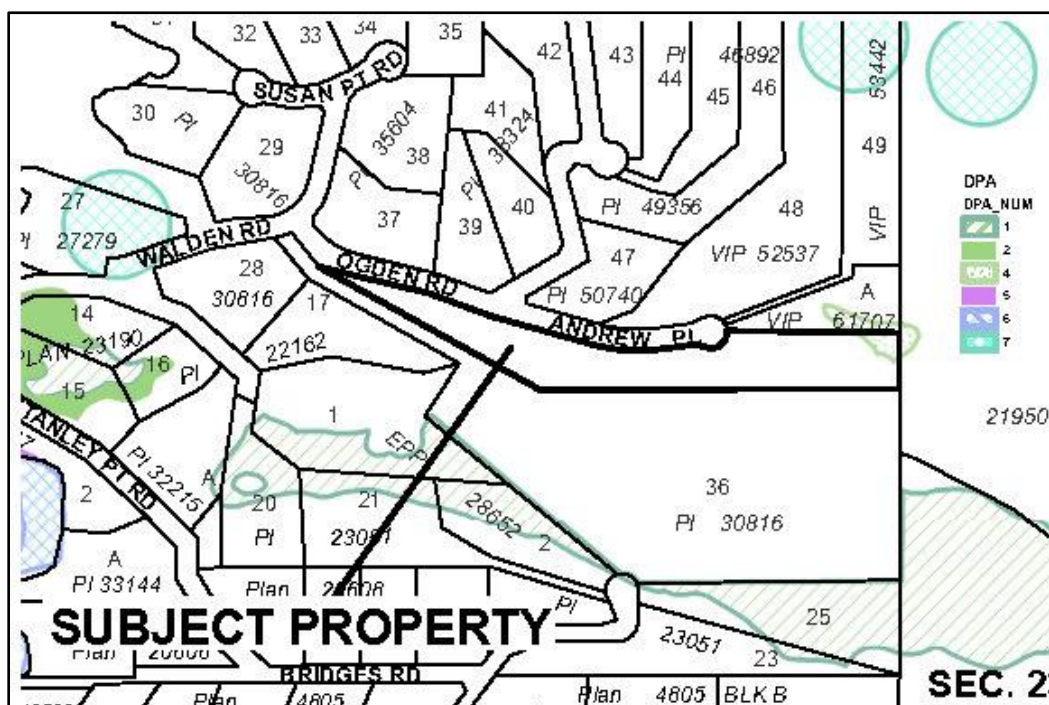
1. Maps, Plans, Photographs
2. Correspondence
3. Applicant's Text from January 31, 2019 submission to LTC.

ATTACHMENT 1 – MAPS AND PHOTOGRAPHS

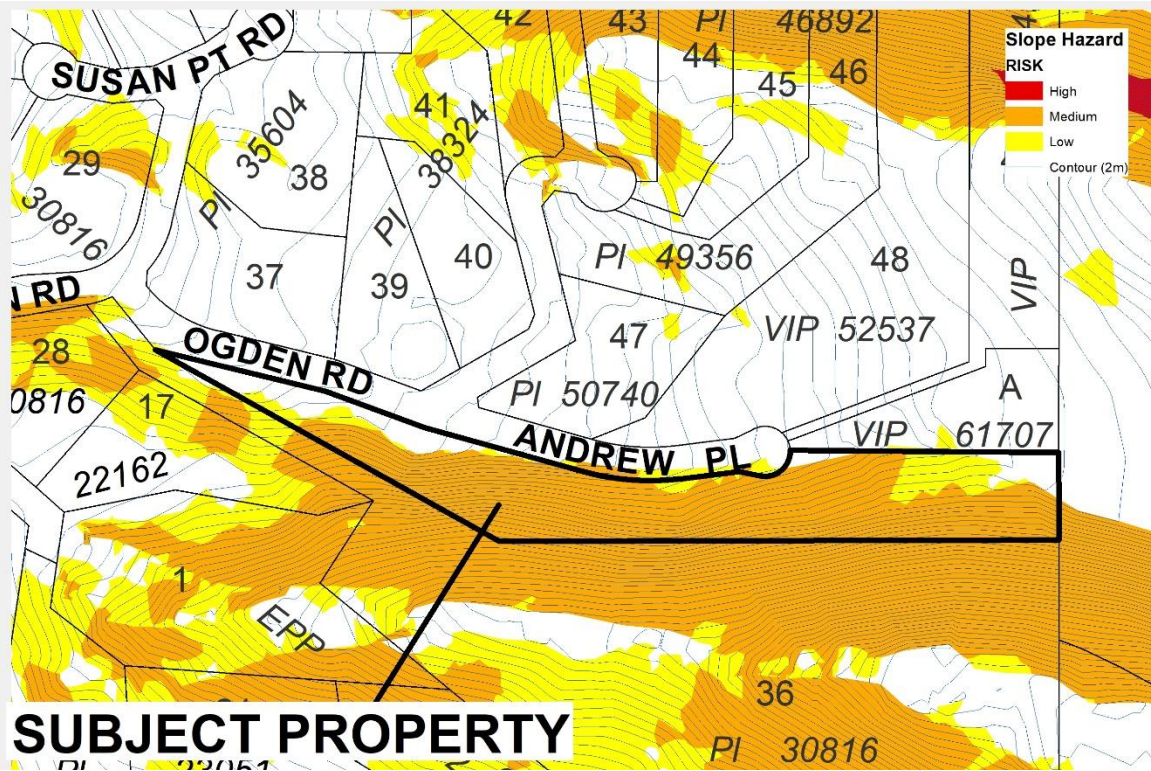
1.1 ORTHOPHOTO AND ZONING



1.2 DPAs



1.3 STEEP SLOPE HAZARD AND CONTOURS



1.4 PHOTOGRAPHS

MARCH 19, 2019



JUNE 29, 2018



1.4 PHOTOGRAPHS (JUNE 29, 2018 – CONT'D)



From: AC Bloomenthal <[REDACTED]>
Sent: Thursday, January 17, 2019 2:08 PM
To: Phil Testemale <ptestemale@islandstrust.bc.ca>
Subject: Stanley Point Container Submission



I have a few thoughts about the submission of many Stanley Point residents concerning the containers apparently located on two residentially zoned properties in Stanley Point. The presence of the containers may or may not realistically be a problem. I have no view on that subject. I do know in the case of Michael Sketch that he was compelled to vacate the house he had lived in for many years, during which time he accumulated many household items that he could not store in the much smaller accommodation he was able to find. In other words, what he did was not done capriciously and, in my view, there was a compelling reason for him to do what he did. It seems unkind to now "pile on".

Of more significance to me is the unequal way in which land use bylaws are being enforced or not. For example the devastation that the Grimmer farm has been subjected to is well beyond the legal uses to which the current zoning permits. Yet nothing is done to encourage the legal use of the land or to enforce the bylaw, if necessary. That we should be required to "snitch" on each other does not seem to be a suitable solution.

I suggest that land use bylaws should be consistently and compassionately enforced and that enforcement should not be complaint driven. If this was the practice, I would feel much less troubled about the action being initiated against Mr. Sketch's use of his land, knowing that everyone, whether reported or not, was being treated the same way.

I hope some solution can be worked out that does not cause Mr. Sketch irremediable harm but at the same time honours the intent of logically and reasonably enforcing all land use bylaws.

Al Bloomenthal

From: Shahid Hussain <[REDACTED]>
Sent: Thursday, January 17, 2019 11:35 PM
To: Deb Morrison <dmorrison@islandstrust.bc.ca>; Benjamin McConchie <bemcconchie@islandstrust.bc.ca>
Cc: Phil Testemale <ptestemale@islandstrust.bc.ca>
Subject: FW: Storage Containers in Residentially Zoned Properties in Stanley Point



Ms. Deb Morrison
Mr. Ben McConchie

Trustees
North Pender Island
British Columbia

We are writing this letter to you as property owners in Stanley Point, North Pender Island. We have been coming to Pender Island since 1992. We bought our property at [REDACTED] and built a house primarily because of the natural beauty and rural nature of the area and the strong sense of community among the neighbours in the area. Stanley Point has a property Owners Association (SPPOA) with 30 plus residents of the neighbourhood. Besides fostering social interactions and friendship among the neighbours in the area, the association members work collaboratively and diligently to maintain the beauty of the neighbourhood, preserve the unique character and charm of road signs and bronze statues, and we regularly trim shrubbery and remove invasive plants; all with the intention of enhancing the pleasure of the residents in the neighbourhood.

We are very concerned that five large metal storage containers have recently been erected on a property on Andrew Place in Stanley Point. This initiative not only violates zoning restrictions but also creates an eyesore and an unpleasant outlook for the people who live in that area and for others who appreciate the natural beauty interspersed with homes in the area. The act of using the property for storage in shipping containers is a total contrast to what most of us in the neighbourhood are attempting to achieve and contrary to the residential use one would expect in an area zoned residential.

We wish to preserve and protect our neighbourhood as a rural residential area. We understand that Mr. Michael Sketch, the owner of the shipping containers has been warned about his contravention of the land use bylaw

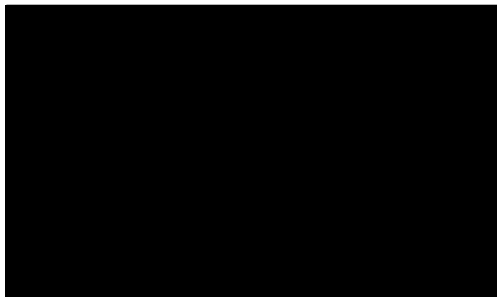
but has apparently not taken steps to remedy the situation. We feel strongly that no variance or temporary use permit should be issued to allow shipping containers in this residentially zoned area and would urge the trustees do everything in their power to remedy the situation and have all shipping containers removed from the neighbourhood, including the one at the "pond" property on Ogden Road.

Thank you for your anticipated help in resolving this situation.

If you require any further information please do not hesitate to contact us.

Sincerely,

Margaret and Shahid Hussain



C. C.: Phil Testemale



From: TOM DEB SIMPSON <[REDACTED]>
Sent: Thursday, January 17, 2019 10:22 PM
To: Phil Testemale <ptestemale@islandstrust.bc.ca>
Subject: Containers in Stanley Point Pender Island - Andrew place and Ogden road

We have previously been in contact with Islands Trust and Chris Watson, CRD building inspector, regarding 5 containers located at Andrew place, Michael Sketch's property. and also 1 container located at 1109 Ogden Road.

We understand the 5 containers were placed on the Andrew place property in contravention to the bylaws and without a proper permit, therefore they should not be allowed in this location and should be removed.

The container placed at 1109 ogden road was placed at this property within 1 week of the containers being placed at Andrew place. Is a permit required and was it obtained? Is this trailer in contravention to the bylaws ?

The containers within Stanley point a SGI rural residential area are unsightly and in contravention to the bylaws governed by Islands Trust.

We are residents of Stanley Point and are located at 1107 Ogden Road. We trust the containers will be removed and the bylaws written for the SGI will be adhered to.

Sincerely
Debbie French and Tom Simpson

**Submission to the North Pender Island Local Trust Committee (LTC)
from Michael Sketch for the regular business meeting of
31 January, 2019 at 10:00 AM, at the Pender Island Community Hall**

RE: Bylaw enforcement file NP-BE-2018.9

Bylaw enforcement officer Dingman and North Pender planner Justine Starke
(Planner Starke has or will soon leave the Islands Trust for a position with the CRD)

Request for direction to Islands Trust planning staff respecting a proposed application from Michael Sketch to amend the North Pender Land Use Bylaw to permit accessory buildings and structures on residentially zoned land where there is no principal use. Request to consider cost sharing for the amendment process, in that the amendment would benefit the applicant and may benefit owners of North Pender residentially zoned land generally.

Background

A) I am the sole officer of Stanley Point Estates Ltd., a company in good standing which holds title to a remainder lot from the Stanley Point Estates subdivision located on the south side of Andrew Place at the base of George Hill.

B) The company Stanley Point Estates Ltd. has no commercial or industrial purpose and is continued i) for the purpose of ownership of said Andrew Place remainder lot and ii) to hold two easements which protect access to bronze statues donated by my father, Ralph Sketch, to the Stanley Point Property Owners' Association.

C) Said Andrew Place lot is a bit over 5 acres and due in part to potential for rock fall, is not practical for residential use.

D) I have lived in rental accommodation on North Pender since 1995.

E) I received an eviction notice for 01Jul2018 for the house at 3305 Port Washington Rd. The landlord was to live in the residence.

F) Before late June, 2018, I could not find rental accommodation on North Pender. Anecdotal, availability of long term rental properties is a chronic impediment for tenants and that situation will probably continue.

G) Under the Residential Tenancy Act, a landlord may apply to put tenants' possessions in storage after the eviction date, should the tenant not vacate.

H) I therefore had five new 20ft x 8ft shipping containers placed on said Andrew Place lot. The shipping container floor area was needed to access the stored goods without unloading the container being accessed.

I) The total 800 sq ft shipping container floor area is less than ½ of 1% of the area of the Andrew Place lot.

J) I believe the location of the shipping containers on the Andrew Place lot minimizes visual impact to the Stanley Point Estates subdivision property owners' residences and minimized disturbance to the land.

K) The land amendment and shipping containers have been an appreciable capital cost.

L) Notwithstanding, placement of the shipping containers on the unbuilt Rural Residential zoned Andrew Place lot, or placement of any structure other than a pump house, contravenes the North Pender Land Use Bylaw, in that such an accessory use does not accompany a residential principal use.

M) As I shall continue living in rental accommodation on North Pender, the need for secure accommodation for my possessions is ongoing.

The North Pender Land Use Bylaw

N) The North Pender Land Use Bylaw does not allow an accessory structure or building (other than a pump house) on residentially zoned land where there is no principal use (a residence).

O) Anecdotally, the reason for not allowing accessory buildings or structures is that property owners would abuse the Land Use Bylaw by using accessory buildings or structures for residential use, without CRD permit sanction.

P) Anecdotally, there are many North Pender residentially zoned lots with accessory buildings or structures but no principal residential use.

I suggest that the fact of contrary (to the Land Use Bylaw) uses indicates a public need for the accessory structures or buildings, without the accessory use necessarily or even probably leading to illegal residential use.

Q) Were accessory structures and buildings permitted on residentially zoned lots, there would be far less incentive to contravene the amended LUB. Further, property owners may be better disposed to acquire an unbuilt lot, implement an accessory use and leave that lot without residential use – so reducing the associated water use and sewage disposal impacts.

The Galiano Land Use Bylaw

R) As follows, the Galiano Land Use permits accessory uses and structures on a lot without there being a principal use. Anecdotally, an experienced Galiano trustee gave opinion that the permission to build accessory structures or buildings without the principal use has not been abused.

Galiano Island Local Trust Committee Bylaw No. 127, 1999

A bylaw to regulate the use of land, buildings and structures, the subdivision of land, the provision of parking spaces, screening and landscaping, and the erection of signs in the Galiano Island Local Trust Area

The Galiano Island Local Trust Committee, being the trust committee having jurisdiction on and in respect of the Galiano Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. GENERAL PROVISIONS

Requirement For Compliance

- 1.1 Land or the surface of water in the Galiano Island Local Trust Area shall not be used, land shall not be subdivided, buildings and structures on land or the surface of water shall not be constructed, altered, located or used, and signs shall not be erected or located on any land except as specifically permitted by this bylaw.

Excerpt

2. GENERAL REGULATIONS

Uses Permitted in all Zones

- 2.2 Accessory buildings and structures may be constructed on a lot before the construction of the building or structure to which they are accessory, but no home occupation may be conducted in such an accessory building or structure until the building or structure to which it is accessory is constructed and occupied.

Amendment of the North Pender Land Use Bylaw to allow accessory structures or buildings where there is no principal use (a residence)

S) I asked for advice from North Pender planner Justine Starke, further to the correspondence in the Appendix. Planner Starke gave opinion that the N Pender LUB prohibition of accessory use structures and buildings where there is no principal use is “archaic” and should be amended. Planner Starke asked other staff and said my suggestion that it was in the public interest to amend the Land Use Bylaw respecting residentially zoned land where there is no principal use had merit. Planner Starke suggested I ask the North Pender LTC to direct staff as to how to proceed.

T) Planner Starke advised that there were options to amend the Land Use Bylaw:

- i) assign the change as a part of some future LUB revision. This is slow and uncertain.
- ii) accept my own application to amend the Land Use Bylaw.

U) **Cost sharing** - If the LTC will agree to accept my application to amend the N Pender LUB, permitting accessory structures and buildings on residentially zoned lots without the principal use (a residence) *and that the LTC regards the amendment to be the interest of both the applicant and the public interest*, then the LTC may recommend a cost sharing for the LUB amendment process. Planner Starke suggested that one mechanism for cost sharing would be for the LTC to ask the Executive Committee to administer the bylaw amendment.

Conclusion – Members of the LTC:

#1) Please resolve to accept an application from myself, Michael Sketch, to amend the Land Use Bylaw as follows or with wording which will have the same effect:

Replace the current North Pender Land Use Bylaw Par. 3.4.3 with a new permission:

3.4.3 Accessory buildings or structures may be constructed or placed without there being a principal building (i.e. a residence) on the same residentially zoned lot.

and renumber the current Par. 3.4.3 and 3.4.4 with 3.4.4 and 3.4.5 respectively and

#2) Recognizing that the proposed amendment to the Land Use Bylaw will benefit both the applicant and North Pender property owners, please resolve to enter into a cost sharing agreement with Michael Sketch wherein the Islands Trust and applicant each pay a share of the bylaw amendment process cost.

Thank you

Michael Sketch

4610 Hamilton Rd.
North Pender Island
ph: 250-629-8393

Appendix – Correspondence with Islands Trust bylaw enforcement and local planning services and excerpts from North Pender LUB, consolidated 10 December, 2018

To: Warren Dingman, Islands Trust bylaw enforcement officer

Warren - You suggested I speak with you late August regarding a bylaw enforcement complaint which followed my placement of five shipping containers on my unbuilt, residentially zoned, Andrew Place, Stanley Point property.

I understand you won't return to your office until 05Sep2018.

My ongoing need for storage container structures on my unbuilt Stanley Point property and wish to construct a covered firewood storage structure.

I have explained that the new owner at my former rental residence (3305 Port Washington Rd.) gave me an eviction notice in order to take residence himself.

I could not find alternate rental accommodation on Pender and did not until 10 days before the date of eviction.

I understand that the Residential Tenancy Act provides that a landlord may put a tenant's household goods in storage at the tenant's expense should the tenant fail to vacate. I could not risk that situation. Therefore I placed storage containers for my possessions on my Stanley Point property.

As I shall continue using rental accommodation on North Pender and that long term rentals are difficult to find, my need for storage for my possessions continues.

The current land use bylaw makes no provision for such land use before the principal use is built.

Another important use for my property is harvesting of firewood for winter heating of my rental accommodation. That use is limited by lack of zoning permission to build a firewood storage structure.

The storage container structure floor area totals 800 sq ft and the clearing of alder trees to enable access has probably required 1000 sq ft of disturbance to the property. The parcel exceeds 5 acres. I pay the property taxes and am not in arrears.

Further to advice from planner Justine Starke copied below, please consider an addition to the N Pender LUB uses permitted in all zones which is given in S.2.2 of the Galiano LUB, as follows:

Galiano Island Local Trust Committee
Bylaw No. 127, 1999

A bylaw to regulate the use of land, buildings and structures, the subdivision of land, the provision of parking spaces, screening and landscaping, and the erection of signs in the Galiano Island Local Trust Area

The Galiano Island Local Trust Committee, being the trust committee having jurisdiction on and in respect of the Galiano Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. GENERAL PROVISIONS

Requirement For Compliance

- 1.1 Land or the surface of water in the Galiano Island Local Trust Area shall not be used, land shall not be subdivided, buildings and structures on land or the surface of water shall not be constructed, altered, located or used, and signs shall not be erected or located on any land except as specifically permitted by this bylaw.

Excerpt

2. GENERAL REGULATIONS

Uses Permitted in all Zones

- 2.2 Accessory buildings and structures may be constructed on a lot before the construction of the building or structure to which they are accessory, but no home occupation may be conducted in such an accessory building or structure until the building or structure to which it is accessory is constructed and occupied.

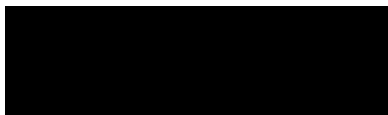
Were the same provision (S. 2.2, Galiano LUB) available in the North Pender LUB, I don't believe either my storage container or a firewood storage structure use would offend the bylaw.

I believe the LUB amendment would benefit North Pender generally. I understand that provision for accessory buildings and structures, indefinitely prior to construction of the building or structure to which they are accessory, has not adversely affected land use on Galiano.

I would be grateful if my suggested LUB amendment were brought to the attention of the North Pender LTC. Were the amendment adopted, my storage container land use would comply with the bylaw.

Thank you.

Michael Sketch



From: Justine Starke <jstarke@islandstrust.bc.ca>
Subject: Your phone message
Date: August 17, 2018 at 8:10:29 AM PD
To: 'Michael Sketch' <[REDACTED]>

Hi Michael – I have been out of the office this week with public meetings on various islands. I got your phone message but haven't had a chance to call you back yet.

I did follow up with Warren to better understand your situation. I suggest you have the following options to remedy the problem:

- Establish a principal use on the property
- Relocate the storage containers to a different location where they are allowed.
- Apply for a Temporary Use Permit: I understand that your concern that the use is not temporary. TUPs are sometimes used as a pilot for an eventual zoning consideration or as a bridge that enables compliance until a permanent remedy can be settled on.
- Rezoning – It is an option, but perhaps not practical for the nature of the use.

We can talk next week if you want.

Best regards
justine

Justine Starke, MCIP, RPP
Island Planner - Local Planning Services
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8
Phone: 250-405-5189
Enquiry BC Toll-free call 1-800-663-7867
or from the lower mainland 604-660-2421

Websites: www.islandstrust.bc.ca | www.islandstrustfund.bc.ca
Preserving Island communities, culture and environment since 1974

Excerpts from North Pender LUB 103, consolidated 10 December, 2018

PART 1 INTERPRETATION

1.1 Definitions

- BL 194 "principal" in relation to a use, building or structure means the main or primary use, building or structure, as the case may be, conducted or constructed on a lot.
- BL 115 "accessory" in relation to a use, building or structure means incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan.
- BL 115 "structure" means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, but excludes fences, septic fields, concrete and asphalt paving, or similar surfacing of the land.
- BL 117 "building" means a roofed structure, including a mobile home, used or intended to be used for supporting or sheltering any use or occupancy.
- "pumphouse" means an accessory building containing only equipment for pumping and processing of water and sewage, including associated electrical equipment.
- BL 117 "mobile home" means a dwelling suitable for year-round occupancy, designed, constructed or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard."
- BL 149 "construction trailer" means a non-residential building which is manufactured and pre-assembled, which is designed to be moved from one place to another and which is designed not to be supported on a permanent foundation.
- "recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, but does not include a mobile home or manufactured home.

PART 3 GENERAL REGULATIONS

3.1 Uses Permitted in Any Zone

- 3.1.1 Except where specifically prohibited, the following uses, building and structures are permitted in any zone except the Ecological (ECO) Zone:
- (1) uses, buildings and structures, which are accessory to a principal permitted use, building or structure on the same lot, including accessory horticulture;
 - (4) water supply facilities, including reservoirs, treatment plants, pumping stations and intake structures;

3.4 Accessory Buildings

- 3.4.1 A building or structure accessory to a dwelling may not be used for human habitation except as permitted by Subsection 3.4.3.
- 3.4.2 Unless a building or structure on a lot is attached to a principal building on the lot by a completely enclosed structure having walls, roof and floor, it is for the purposes of this Bylaw deemed not to be part of the principal building, but is deemed to be an accessory building or structure.
- 3.4.3 An accessory building or structure may be constructed or placed and occupied as a temporary dwelling prior to the construction of a principal building or structure on the same lot provided that a building permit has been issued for the principal building or structure and the water supply and sewage disposal facilities for the principal building or structure have been installed.

Excerpts from North Pender LUB 103, consolidated 10 December, 2018

PART 8 ZONE REGULATIONS

8.1 Rural Residential (RR) Zone

8.1.2 Permitted Uses

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Rural Residential (RR) Zone:
- (a) dwelling;
 - (b) on lots 1.2 hectares in area and larger, one cottage;
 - (c) accessory home business, subject to Section 3.5;
 - BL176 (d) on lots that do not abut a lake or reservoir used as a source of potable water supply, accessory rabbit and poultry raising; and
 - BL176, 180 (e) on lots greater than 0.4 hectares in area that do not abut a lake or reservoir used as a source of potable water supply, or a wetland, the keeping of livestock as an accessory use .
 - BL 217 (f) secondary suite

8.2 Rural (R) Zone

BL 176, 180 8.2.2 Permitted Uses

- (1) In addition to uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Rural (R) Zone:
- (a) dwelling;
 - (b) agriculture;
 - (c) on lots 1.2 hectares in area and larger, one cottage; and
 - (d) accessory home business, subject to Section 3.5, and on lots greater than 2 hectares in area accessory home industry, subject to Section 3.6.
 - BL 217 (e) secondary suite



DATE OF MEETING: April 25, 2019
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
SUBJECT: Waste Transfer

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee request staff to report back with draft amendments to Bylaws 214 and 215 which would include:**
 - a. **Policy amendments to the OCP for waste transfer facilities, including development permit area and temporary use permit guidelines**
 - b. **Amendments to the LUB to include definitions and relevant general regulations**
 - c. **Amendments to the LUB to permit drop-off only at the Medicine Beach commercial site**
 - d. **Amendments to the LUB to permit limited waste transfer uses in appropriate industrial zones.**

REPORT SUMMARY

The purpose of this report is to provide the Local Trust Committee (LTC) with a summary of the options for amending the bylaws for the Land Use Planning for Waste Management project and some recommendations for proceeding.

BACKGROUND

To date, private waste transfer operators' facilities have been permitted through Temporary Use Permits or deferred enforcement on North Pender. The recycling centre is permitted by zoning, although limited to recycling only. The LTC cannot hold land or operate a service itself. Nor can the LTC directly regulate the operational aspects of a waste transfer facility (zoning, TUP conditions, and development permit conditions can indirectly regulate some aspects of operations). The Capital Regional District can regulate operational requirements for waste transfer stations, as has been implemented on Salt Spring, if it were to pass a bylaw to do this; however, the first requirement would be that the zoning be in place for sites. Similarly, the CRD could create a service to operate some or all aspects of waste transfer, but again zoning would be required to be established before a location could be designated. The onus remains on the Local Trust Committee and the North Pender Island community to designate land appropriate for waste transfer facilities and zone it accordingly.

Last term the LTC made it a priority to undertake a comprehensive approach to planning for waste and resource management. The objectives of the project included:

- Consultation with residents, operators and other stakeholders
- Identify waste transfer needs
- Inventory existing industrial sites and identifying siting criteria
- Recommendations on potential locations and uses
- Considering amendments to OCP and LUB
- Collaborating with CRD

The approach included establishing a special Advisory Planning Commission (APC) to provide advice to the LTC on potential locations, regulations and the scope of private operations. At the same time, and working with the special APC, staff undertook a process to establish criteria and to identify potential sites with the assistance of a consultant. The final report ([December 2016](#)) assessed 15 potential sites, and recommended that the LTC further consider 7 of those sites. The LTC further narrowed down the sites to 5 in consultation with CRD staff and proceeded with bylaws that would amend the Official Community Plan (OCP) to establish enabling policies and a development permit area (DPA), and amend the Land Use Bylaw (LUB) to rezone the sites for three different levels of service:

- 2 to allow for full service use ('McDonald Farm' and Mainroad yard)
- 2 for limited waste transfer ('Burdett' and 'Henshaw')
- 1 for public drop-off only (Medicine Beach market).

In January 2018, the LTC made amendments to the bylaws, including removing the property on Razor Point Road ('Burdett') based on the Agricultural Land Commission (ALC) decision of September 2017 to not extent a temporary non-farm use approval. Without ALC approval, the LUB cannot be amended to permit a non-farm use for the portion of that site within the Agricultural Land Reserve (ALR). Following the community information meeting, at which the vast majority of meeting attendees voiced strong concerns about the removal of 4606 Razor Point Road from the proposals for waste transfer uses, the public hearing was cancelled. The LTC wrote to the ALC in October requesting that the ALC renew the permission for non-farm use on the industrial zoned portion of the property. In March of this year, the ALC wrote back stating the request did not meet the requirements for reconsideration.

For further background, see previous staff reports and related information posted on the LTC projects [webpage](#).

Proposed bylaws 214 and 215 would have amended the OCP and LUB respectively. The OCP amendment bylaw would:

- Establish OCP goals, objectives and policies for waste transfer facilities
- Create a new development permit area that would require development permits that would incorporate best management practices
- Designate sites for industrial land uses for sites not currently designated industrial

The LUB amendment would:

- Create definitions for different classes of facility
- Establish general regulations applicable to all waste transfer uses
- Rezone the four proposed sites to permit the various classes of waste transfer facility

At the January meeting the LTC considered various options on how to proceed with the project in terms of process. The LTC agreed that given the amount of consultation and work done to date, the preferred approach was to consider potential amendments to the bylaws. The LTC adopted the following resolution:

NP-2019-013

It was Moved and Seconded,

that the LTC request staff to report back with a range of options to amend proposed bylaws 214 and 215 within three months.

As the bylaws received second reading but have not proceeded to public hearing they can be amended by the LTC.

ANALYSIS

The LTC has stated that it wishes to consider options for amending the bylaws. The following table outlines the main options for revising the bylaws and proceeding. Not stated are the options of proceeding with the bylaws as currently drafted, or not proceeding at all. As outlined above there are several elements to the bylaws, summarized as:

1. OCP goals, objectives, and policies – these could be considered as the enabling policy or guidance for concurrent or subsequent amendments to establish DPA, amend maps, and to amend the zoning regulations to permit the uses.
2. Development permit area provisions – the OCP amendment would include a new DPA which would regulate certain aspects of the operations of new operations.
3. Map amendments – the OCP would also re-designate land uses to industrial for the proposed sites not currently zoned industrial
4. Definitions and general regulations – the LUB amendment would establish definitions for the various classes of facility and also general regulations applicable to all facilities. The definitions would also address deficiencies in the current LUB definition of recycling.
5. Site specific zoning and map amendments – the LUB would amend industrial zones to permit the use in specific locations and also amend the zoning map to re-zone non-industrial locations.

In each of the options below, the LTC should consider rezoning the medicine beach drop-off site to permit that use, which has been operating by TUP for a number of years.

	Option	Description	OCP	LUB
1.	Enabling policies and general regulations only	This option would proceed with amendments to the OCP to create enabling policies and to the LUB to establish relevant definitions and	Amend OCP to include Goals, Objectives and policies to OCP; and create DPA and TUP guidelines.	Amend LUB to include definitions and general regulations only (and rezone Medicine beach site).

	Option	Description	OCP	LUB
		general regulations and then operators or landowners would be required to apply for rezoning or TUP for specific sites		Operators apply for OCP re-designation (if needed) and rezoning or TUP.
2.	Enabling policies for applications on industrially designated land	This option would, like (1), have the LTC establish enabling policies and general regulations, but would also designate where operators or landowners could apply for rezoning or TUP to implement the use (i.e. industrially designated lands).	Amend OCP to include Goals, Objectives and policies to OCP; and DPA and TUP guidelines.	Amend LUB to include definitions and general regulations only (and rezone Medicine beach site). Operators apply for rezoning or TUP.
3.	Pre-zone for limited waste transfer, and full service use by application.	This option would, like (1) have the LTC establish enabling policies and general regulations, but also zone some industrial areas for limited waste transfer (primarily sorting and storage with no public drop-off).	Add Goals, Objectives and policies to OCP. Add DPA and TUP guidelines. And designate potential sites in OCP (e.g. all industrial lands).	Amend LUB to include definitions and general regulations. Rezone appropriate industrial zones to permit limited waste transfer only. Require rezoning or TUP applications for full service waste transfer or any uses on non-industrial sites.
4.	Zone for one location for full service, one for drop-off and one for limited waste transfer	This option would, like (1) have the LTC establish enabling policies and general regulations, but zone one site for each of the three classes of facility. This would be similar to the current	Add Goals, Objectives and policies to OCP. Add DPA and TUP guidelines. And designate one site in OCP for each category	Amend LUB to include definitions and general regulations and rezone Medicine beach site to permit drop off currently operating by TUP, and rezone one site

	Option	Description	OCP	LUB
		bylaws but narrow the sites from four to three.		for each other type of facility. Any other sites would be by application.
5.	Identify one location for full service	This option would, like (1) have the LTC establish enabling policies and general regulations, but zone one site for full service use. In other words have all activities in one location.	Add Goals, Objectives and policies to OCP. Add DPA and TUP guidelines. And designate one site in OCP	Amend LUB to include definitions and general regulations and rezone one site for full service. Any other sites would be by application.

The above table represents an overview of the range of options for proceeding with amendments to the current bylaws. There would be a variety of more specific variations or options to consider were the LTC to focus on one of the above approaches.

Of the options outlined above, option 3 appears to provide the optimal approach given the current circumstances in which there are no specific full service proposals and the ALC has declined to re-consider the ALR site.

If the LTC does choose to proceed, staff recommend, at a minimum, amendments to the OCP to create the goals, objectives and policies. Regardless of whether or not the LTC proceeds with zoning changes for specific sites as part of this process, the LTC and the community will be faced with the issue in the future, whether by application or requests to the LTC to initiate further amendments to consider zoning locations for some aspect of waste transfer uses. Having policies in the OCP would provide guidance on how to proceed with consideration by LTCs and for staff and potential applicants.

Second, staff recommend that the LTC should proceed with a zoning amendment for the drop-off at the Medicine Beach commercial site, this has been operating under TUP for a number of years without issues.

Third, staff also recommend proceeding with some of the amendments to the definitions and general regulations to provide clarity related to the permitted recycling use and also to have some general regulations in the LUB if any uses are to be permitted.

Fourth, the LTC should consider permitting limited waste transfer uses on industrially zoned lands, specifically sorting and storage by operators. This could be limited in terms of industrial locations and other restrictions but would provide some options for operators to conduct the use on suitable industrial land.

Finally, while pre-zoning one or more locations for full service facilities (i.e. including public access) would have merit from a planning point of view, in the absence of specific proposals and given the contention related to pre-zoning sites for this type of use, the LTC may wish to consider this either by application by a proponent or by LTC initiative in the future if a viable site and proposal is forthcoming.

Consultation

If the LTC chooses one preferred option, staff would recommend amending the bylaws and then engaging in consultation with stakeholders and the community prior to proceeding to a public hearing. Depending on the extent of amendments required to the bylaws further referrals to targeted agencies and First Nations may be required.

Rationale for Recommendation

The recommended approach is to put the policy framework into the OCP, including DPA provisions and temporary use permit guidelines for applications. The approach would also amend the LUB to address the drop-off operating by TUP for years, to create and clarify the definitions in the LUB, add relevant general regulations, and permit operators to store and sort on appropriate industrially zoned sites. Publicly accessible full service waste transfer facilities, or limited waste transfer on non-industrial lands, should be considered as proposals by application or LTC initiated rezoning once the policy framework is established. This approach would provide guidance in the OCP for future applications, allow existing low impact uses to continue, and would recognize that some of the current industrially zoned land is an appropriate location for limited waste transfer uses.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision.

That the North Pender Island Local Trust Committee request that staff report back to the LTC with additional information on ...

2. Proceed no further

The LTC may choose to not proceed further with this project. The implication would be that operators apply for OCP and LUB amendments

That the North Pender Island Local Trust Committee proceed no further with Waste Management Project.

NEXT STEPS

If the LTC chooses to proceed, the next steps are for staff to report back with

- A revised project charter
- Draft amendments to the bylaws
- Recommendations for consultation on the proposed changes

Submitted By:	Robert Kojima, Regional Planning Manager	April 17, 2019
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ATTACHMENTS

1. Bylaw 214 and 215

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 214

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

The North Pender Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017”.

2. SCHEDULES

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

2.2 North Pender Island Official Community Plan No. 171, 2007 Schedule “B” – Land Use Map - is amended, as shown on Schedule 2, attached to and forming part of this bylaw.

2.3 North Pender Island Official Community Plan No. 171, 2007 Schedule “A” is further amended as shown on Schedule 3 attached to and forming part of this bylaw.

2.4 North Pender Island Official Community Plan No. 171, 2007 is amended as shown on Schedule 4 attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS	30 th	DAY OF	JANUARY	2018
READ A SECOND TIME THIS	26 th	DAY OF	APRIL	2018
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS		DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 214**

SCHEDULE 1

The NORTH PENDER Island Official Community Plan No. 171, 2007 Schedule "A", is amended as follows:

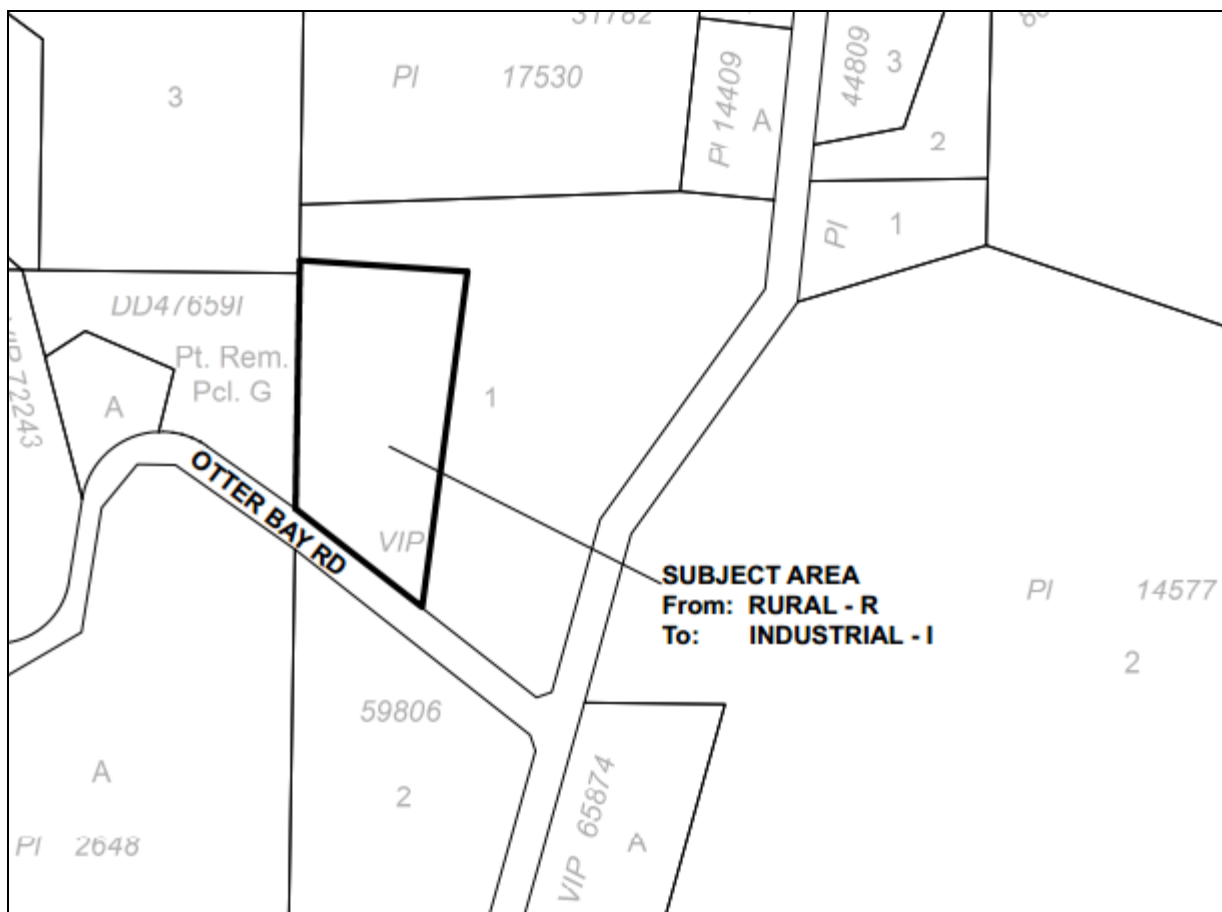
1. Section 1.2 (Goals), is amended by adding a new goal as follows:
 - 19) To minimize waste and maximize recycling and resource recovery in the management of solid waste and discarded materials.
2. Section 3.3.2 (Solid Waste Disposal) is amended by adding new objectives under Solid Waste Objectives as follows:
 - 3) To support the reduction, recycling, and reuse of solid waste and discarded materials.
 - 4) To accommodate the facilities and services that provide North Pender Island with necessary collection, storage, processing, and transfer of solid waste and recyclable materials, while minimizing the impacts on neighbourhoods, community health and the island's environment.
 - 5) To protect the island's environment from contamination by solid waste and recyclable materials.
3. Section 3.3.2 (Solid Waste Disposal) is amended by adding new policies under Solid Waste Policies and re-numbering the Advocacy Policies accordingly:
 - 3.3.2.4 The Local Trust Committee may permit and regulate the appropriate development of sites to provide the community with a range of service options for the storage and transfer of solid waste and recycling.
 - 3.3.2.5 Waste transfer uses should be protected from hazardous conditions and should not adversely affect the rural and residential character of the community, the natural environment, or farming.
 - 3.3.2.6 The Local Trust Committee may regulate waste transfer uses and designate Development Permit Areas to ensure waste transfer uses:
 - a) are screened by vegetation to limit visual impacts;
 - b) are located outside community water system supply watersheds, areas with high groundwater vulnerability, and environmentally sensitive areas;
 - c) are designed to avoid leachate from entering the natural environment;
 - d) are designed to minimize traffic impacts on adjacent neighbourhoods;
 - e) are not located on naturally productive agricultural soils;
 - f) are designed to minimize fire risk.
 - 3.3.2.7 The Local Trust Committee may support both publicly and privately-operated solid waste transfer sites.
4. Section 3.3.2 (Solid Waste Disposal) is amended by adding a new policy under Advocacy Policies:
 - 3.3.2.12 The Local Trust Committee encourages the Capital Regional District to regulate waste transfer operations on North Pender Island.

5. The Table of Contents and list of schedules is updated to reflect the changes made by this bylaw.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 214**

SCHEDULE 2

The NORTH PENDER Island Official Community Plan No. 171, 2007, Schedule B, Land Use Map is amended as follows:



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 214**

SCHEDULE 3

The NORTH PENDER Island Official Community Plan No. 171, 2007, Schedule A is amended as follows:

Section 5.2 (Development Permit Areas), is amended by adding a new Development Permit Area following Development Permit Area Ten as follows:

5.2.12 DEVELOPMENT PERMIT AREA ELEVEN – WASTE TRANSFER DEVELOPMENT PERMIT AREA

5.2.12.1 Authority

This development permit area is established pursuant to the following sections of the *Local Government Act*:

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

5.2.12.2 Special Conditions or Objectives that Justify the Designation

Development Permit Area Eleven encompasses all lands shown on Schedule “Q” which may be zoned by the North Pender Island Local Trust Committee to permit the operations of waste transfer uses, including commercial recycling, and commercial composting. The North Pender Island Local Trust Committee recognizes that if not well designed and carefully managed, these uses can have negative impacts on both surrounding neighbourhoods and the natural environment. Waste transfer uses should be protected from hazards and should not adversely affect the rural and residential character of the community and the natural environment, or farming. Development Permit Area Eleven is implemented to help guide the land use planning of waste transfer uses, including commercial recycling and commercial composting to minimize the potential for negative impacts. Its specific objectives are as follows:

- a. To ensure that the waste transfer uses, including commercial recycling and commercial composting, as permitted on North Pender Island, can develop with the least impact on the natural environment.
- b. To ensure that the waste transfer uses, including commercial recycling and commercial composting, as permitted on North Pender Island, can develop with the least impact on neighbouring properties.
- c. To avoid a level of design regulation that could affect the viability of waste transfer uses, including commercial recycling and commercial composting.

- d. To buffer agricultural land from impacts associated with waste transfer uses, including commercial recycling and commercial composting.

5.2.12.3 General Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted:

- a. Construction of, addition to, or alteration of buildings and structures for waste transfer uses including commercial recycling and commercial composting.
- b. Alteration of land.

5.2.12.4 Designation

This development permit area is shown on Schedule “Q.”

5.2.12.5 Application Requirements

All applications shall be consistent with all requirements established in the fees bylaw, development procedures bylaw, and development approval information bylaw adopted by the North Pender Island Local Trust Committee or Islands Trust Council.

5.2.12.6 Development Permit Exemptions

The following activities are exempt from any requirement for a development permit:

- a. Subdivision of land;
- b. Maintenance of existing landscaping;
- c. Repair and maintenance of existing buildings or structures, including lighting and signage, provided there is no addition to lot coverage or floor area, no exterior alterations requiring a building permit, and no change in the use of external materials that would result in the alteration of the form and character of the building or structure;
- d. Internal renovations or alterations;
- e. Repair and maintenance of existing roads, parking areas, paths and trails.

5.2.12.7 Guidelines

The intent of this development permit area is to ensure that development related to waste transfer uses, including commercial recycling and commercial composting, meets the special conditions and objectives described in 5.2.12.2. In considering the issuance of a development permit, the LTC should be satisfied that the following guidelines have been met where applicable and impose conditions where appropriate:

GUIDELINES FOR THE PROTECTION OF THE NATURAL ENVIRONMENT

General Guidelines for Environmental Protection

- 1) All leachate should be managed to protect natural watercourses and prevent the release of any contaminants from waste transfer uses, including commercial recycling and commercial composting, into the environment.

- 2) All trees and native vegetation should be retained except as necessary to establish the work and storage areas required for waste transfer uses, including commercial recycling and commercial composting, and as necessary to establish fire separation buffers.

Guidelines for Water Protection

- 3) All development associated with waste transfer uses, including commercial recycling and commercial composting, should avoid negative impacts on riparian areas, natural watercourses, and groundwater aquifers.
- 4) All development associated with waste transfer uses, including commercial recycling and commercial composting, should avoid negative impacts on fish habitat and marine ecosystems.
- 5) Waste transfer uses, including commercial recycling and commercial composting, should be designed to control drainage and erosion to prevent undesirable impacts resulting from new impervious surfaces or changes to site drainage.
- 6) Waste transfer uses, including commercial recycling and commercial composting, should be constructed to prevent stormwater and runoff from contacting solid waste and recyclable materials.

GUIDELINES FOR THE PROTECTION OF DEVELOPMENT FROM HAZARDOUS CONDITIONS

Guidelines for the Protection of Development from Wildfire Hazard

- 7) All waste transfer uses, including commercial recycling and commercial composting, should be designed to protect such uses from wildfire hazards.
- 8) A cleared area should be maintained between the perimeter vegetative buffer and all buildings, structures and work areas.
- 9) Water supply for fire protection should be provided.
- 10) Emergency vehicles should be able to readily reach all parts of the development.

Guidelines for the Protection of Development from Flood Risk

- 11) Where a property contains a surface water body it should be demonstrated that the waste transfer use, including commercial recycling and commercial composting, is not at risk from flooding.

Guidelines for the Protection of Development from Slope Hazard Risk

- 12) Where a property may be subject to a steep slope hazard according to Islands Trust mapping, it should be demonstrated that the waste transfer use, including commercial recycling and commercial composting, is not at risk of geotechnical hazard.

GUIDELINES FOR THE PROTECTION OF FARMING

General Guidelines for the Protection of Farming

- 13) Where a waste transfer use, including commercial recycling and commercial composting, is adjacent to farm land, the waste transfer uses should be sited and provide adequate vegetative screening, landscaping, or fencing to adequately separate or buffer the uses from farmland.

GUIDELINES FOR THE FORM AND CHARACTER OF INDUSTRIAL DEVELOPMENT

Guidelines for General Site Design, Building Location and Access

- 14) Site access to waste transfer uses, including commercial recycling and commercial composting, should maintain the general character of the surrounding neighbourhoods as much as possible.
- 15) All waste transfer uses, including commercial recycling and commercial composting, should be sited to allow vehicles to maneuver without having to block or back onto adjacent streets.
- 16) All waste transfer uses, including commercial recycling and commercial composting, should be sited and designed for traffic circulation that meets anticipated service levels.
- 17) All waste transfer uses, including commercial recycling and commercial composting, should be sited and designed to minimize visual impacts on neighbouring properties and public areas. Particular attention should be paid to locating loading docks, garbage and recycling containers and other service areas so that visual impacts are minimal.
- 18) Storage of waste should be sited as far from adjacent residential and commercial uses as possible.
- 19) Buildings and other structures should utilize existing topography and vegetation and be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.

GUIDELINES FOR THE FORM AND CHARACTER OF BUILDINGS AND STRUCTURES

General Guidelines for the Form and Character of Buildings and Structures

- 27) Building mass shall be scaled to complement surrounding residential development and be softened by the use of small-scale elements.
- 28) Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas.

Guidelines for Lighting

- 31) Lighting should be kept to the minimum necessary for safety and visibility, to maintain a low level of light in the island's nighttime atmosphere.
- 32) Light fixtures mounted on masts or walls should be pedestrian in scale and should not exceed 3.5 metres in height.
- 33) Light fixtures should focus light on the area to be illuminated. The spillage of light into onsite residential areas, neighbouring properties, streets or other public areas including the sea should be avoided. Fixtures should not result in glare when viewed from residential areas.

Guidelines for Signage

- 34) Signs should not be sited more than 5 m above the ground.

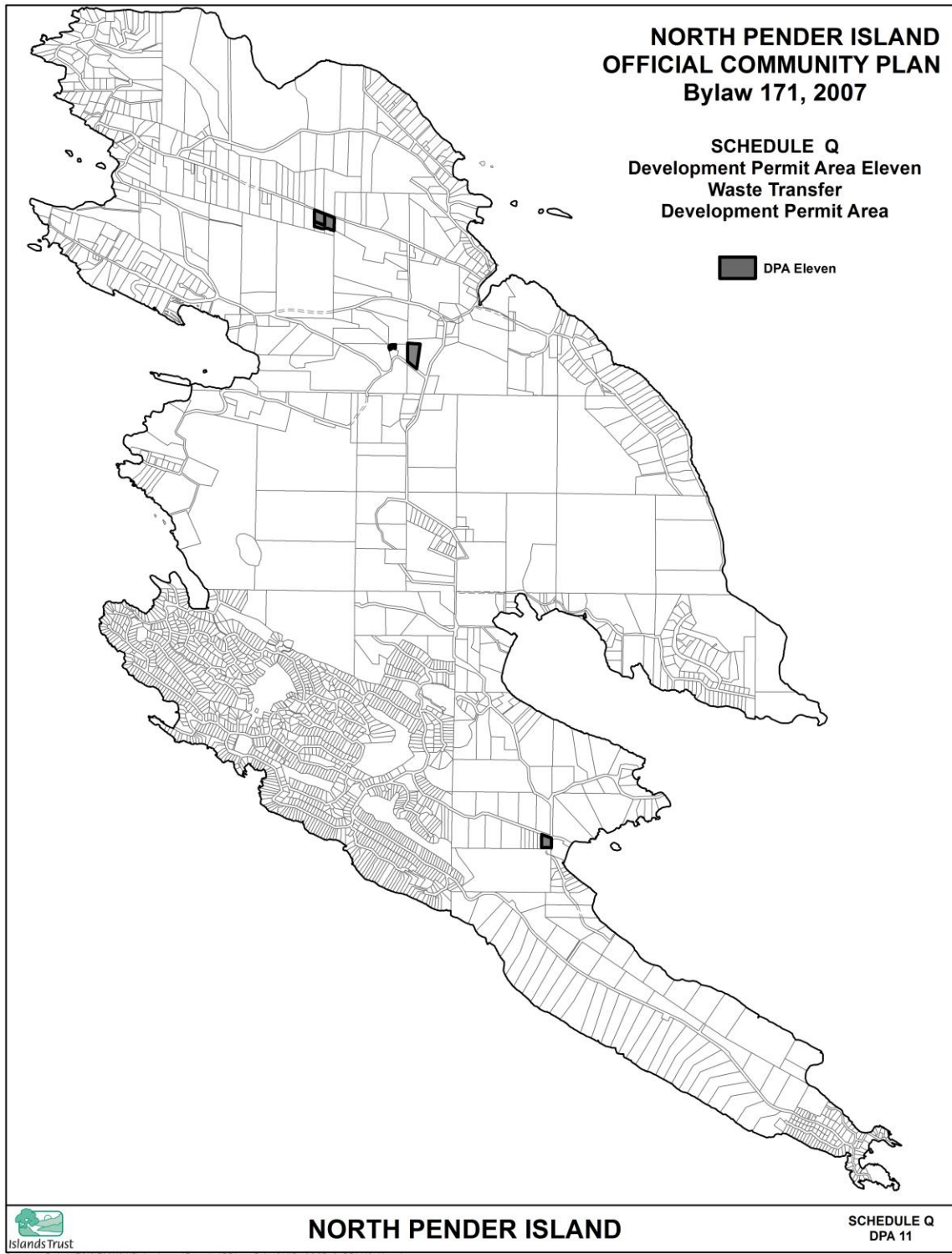
VARIANCE PERMITS TO MEET DEVELOPMENT PERMIT AREA GUIDELINES

- 39) The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines of this section.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 214**

SCHEDULE 4

The NORTH PENDER Island Official Community Plan No. 171, 2007 is amended by adding a new schedule "Q" Development Permit Area 11 as follows:



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 215

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW NO. 103, 1996

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

(1) Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017”.

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

2.1. Section 1.1 – Definitions, is amended to add the following:

“commercial composting” means the use of land, buildings or structures for commercially processing organic matter through the biological decomposition of organic materials in accordance with the *Environmental Management Act and Public Health Act* and associated Organic Matter Recycling Regulation, and the Capital Regional District Composting Facilities Regulation Bylaw.”

“commercial recycling,” means the use of land, buildings or structures for receiving, storing, sorting, compacting and transferring recyclable materials that originate from commercial, institutional, demolition or construction sources, but not from household residential sources.

“full service waste transfer” means the use of land, buildings or structures for:

- (1) receiving, storing, sorting, compacting and transferring solid waste;
- (2) commercial recycling;
- (3) commercial composting; and
- (4) public drop off waste transfer.

“hazardous waste” means hazardous waste as defined in the Hazardous Waste Regulation under the *Environmental Management Act*.

“limited waste transfer” means the use of land, buildings or structures for receiving, storing, sorting and transferring solid waste and commercial recycling, and excludes commercial composting, public drop off waste transfer, or public drop off of recycling.

“public drop off waste transfer” means the drop off of solid waste and organic materials by the general public.

“solid waste” means refuse that originates from residential, commercial, institutional, demolition, land clearing or construction sources.

2.2 Section 1.1 – Definitions, is amended by deleting the definition of “recycling facilities” and replacing it, as follows:

“recycling and reuse facility” means the use of land, buildings or structures for receiving, storing, sorting, compacting and transferring recyclable materials that originate from residential, commercial, institutional, demolition or construction sources, and includes public drop off.

2.3 Article 3.2.1(2) is amended by deleting “or the Waste Management Act,” after Sewage Disposal Regulation.

2.4 Part 3 – General Regulations is amended by adding a new Section 3.19 as follows:

“Waste Transfer Regulations

3.19.1 The following regulations apply to waste transfer uses:

- (1) All solid waste, recyclable materials and compost materials must be located on impervious surfaces designed with a drainage control system to prevent any release of any contaminants from the materials into the environment.
- (2) All solid waste, recyclable materials, and compost materials must be contained and located within buildings or sealed collection bins.
- (3) Hazardous waste must not be received, collected, stored, or transferred.
- (4) Asbestos must not be received, collected, stored, or transferred.
- (5) All waste transfer uses must be screened from view along non-industrial zone boundaries and along highways, in accordance with subsection 3.13.1(2).

3.19.2 Setbacks:

- (1) No building or structure, or external storage of materials or equipment used for any waste transfer use may be sited within 30 metres of a well, the natural boundary of any lake, wetland, stream or sea.
- (2) No building or structure, or external storage of materials or equipment used for a full service waste transfer use may be sited within 30 metres of any lot line shared with a property in the Rural, Rural Residential or Agriculture zone.
- (3) No building or structure, or external storage of materials or equipment used for a limited waste transfer use or public drop off of waste transfer may be sited within 15 metres of any lot line shared with a property in the Rural, Rural Residential or Agriculture zone.
- (4) No building or structure, or external storage of materials or equipment used for a limited waste transfer use or public drop off of waste transfer may be sited within 3 metres of any front, rear, interior side, or exterior side lot line lot line.

3.19.3 A maximum of one building with a maximum floor area not exceeding 150 square metres is permitted for a limited waste transfer use.

3.19.4 A maximum of one building with a maximum floor area not exceeding 35 square metres, and a maximum height of five metres, is permitted for public drop off of waste transfer.

3.19.5 The regulations in Section 3.18 do not apply to a recycling and reuse facility.

Information Note: Commercial composting facilities must also comply with other regulations including the provincial Organic Matter Recycling Regulation (OMRR), the BC Agriculture Waste Control Regulation, WorkSafeBC and other applicable regulations. The BC Farm Industry Review Board is set up to address issues arising from farm activities including odour.”

2.5 Subsection 6.1.2 - Off-Street Parking, is amended by adding new rows to Table 2, as follows:

TABLE 2: Off-Street Parking Requirements Continued		
	Use	Minimum Number of Parking Spaces Required
(u)	Full service waste transfer	10 spaces
(v)	Public drop off waste transfer Limited waste transfer	3 spaces

2.6 Subsection 8.4.8 – Site Specific Regulations, is amended by adding the following in Column 3 of the Site Specific Zone Reference C1(e), following (h): “and public drop off waste transfer”.

2.7 Subsection 8.8.8 – Site Specific Regulations, is amended by replacing the Site Specific Zone Reference I1(b) as follows:

Column 1	Column 2	Column 3
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
I1(b)	Portion of the NW ¼ of Section 11 except the south 26.364 chains and except Parcel A (DD143808I) and except those parts shown outlined in red on Plan 5632 and 262R and except those parts in Plans 5856, 7982 and 20898	Despite 8.8.2(1), the only permitted uses are boat storage and agriculture. . <i>Information Note: Boat storage is only permitted within the Agricultural Land Reserve if approved as a non-farm use by the Agricultural Land Commission.</i>

2.8 Subsection 8.9.8 – Site Specific Regulations, is amended by adding a new Site Specific Zone I2(d) as follows:

Column 1	Column 2	Column 3
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
I2(d)	Portion of Parcel G (DD47659I) of Section 18, Pender Island, Cowichan District, Except Parts in Plans 2648, 9912, 37908, VIP54314 and VIP72243	Despite 8.9.2(1), the only uses permitted in this location are: limited waste transfer, storage of aggregate, and the fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment.

2.9 Subsection 8.9.8 – Site Specific Regulations, is amended by adding a new Site Specific Zone Reference I2(e) as follows:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
I2(e)	Portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806	Despite 8.9.2(1), the only use permitted in this location is agriculture and full service waste transfer.

- 2.10 Subsection 8.9.8 – Site Specific Regulations, is amended by deleting the word “and” before the words “the processing, crushing and storage of gravel” and adding “and full service waste transfer” to the end of the uses listed in Column 3 of the Site Specific Zone Reference I2(a).
- 2.11 Subsection 8.12.2(1)(a) is deleted and replaced with “recycling and reuse facility.”
- 2.12 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Portion of Parcel G (DD47659I) of Section 18, Pender Island, Cowichan District, Except Parts in Plans 2648, 9912, 37908, VIP54314 and VIP72243 from I2 (c) to I2(d), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.
- 2.13 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806 from Rural to I2(e), as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.

3. SEVERABILITY

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

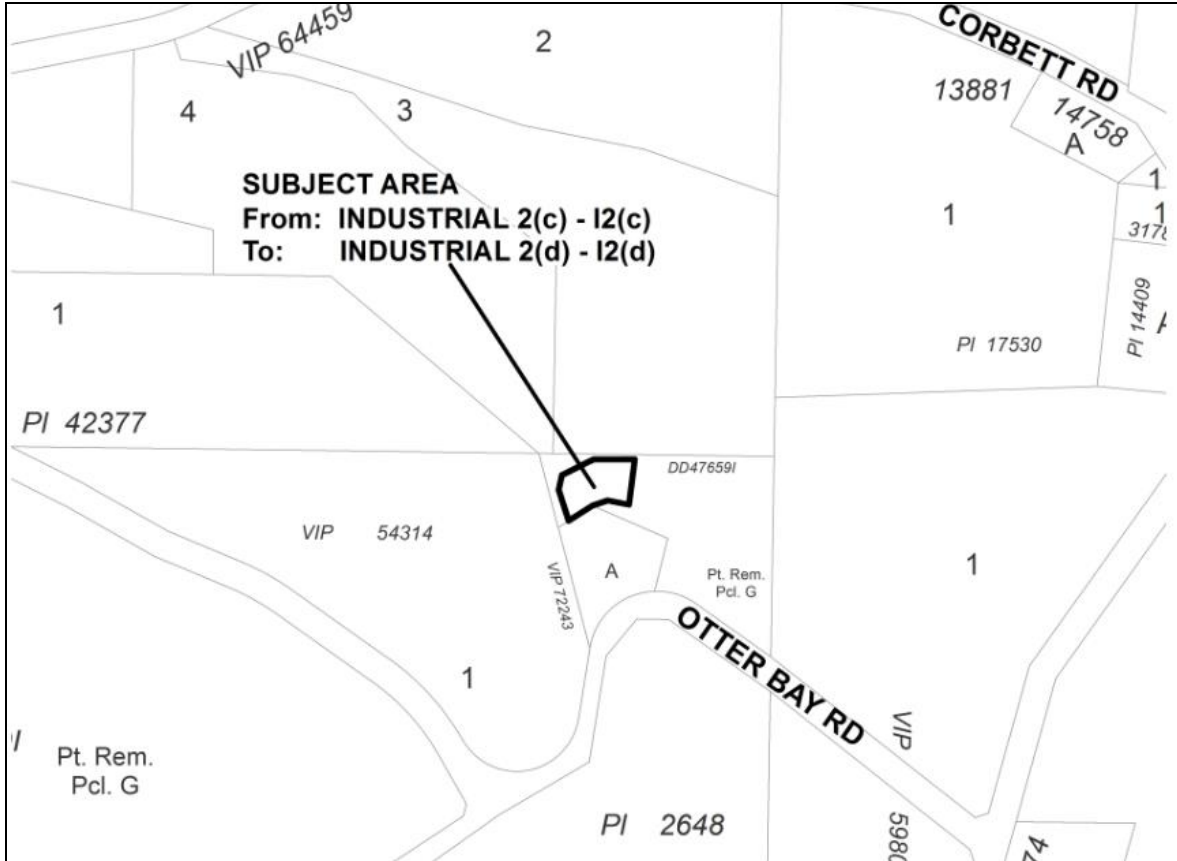
READ A FIRST TIME THIS	30 TH	DAY OF	JANUARY	2018
READ A SECOND TIME THIS	26 TH	DAY OF	APRIL	2018
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

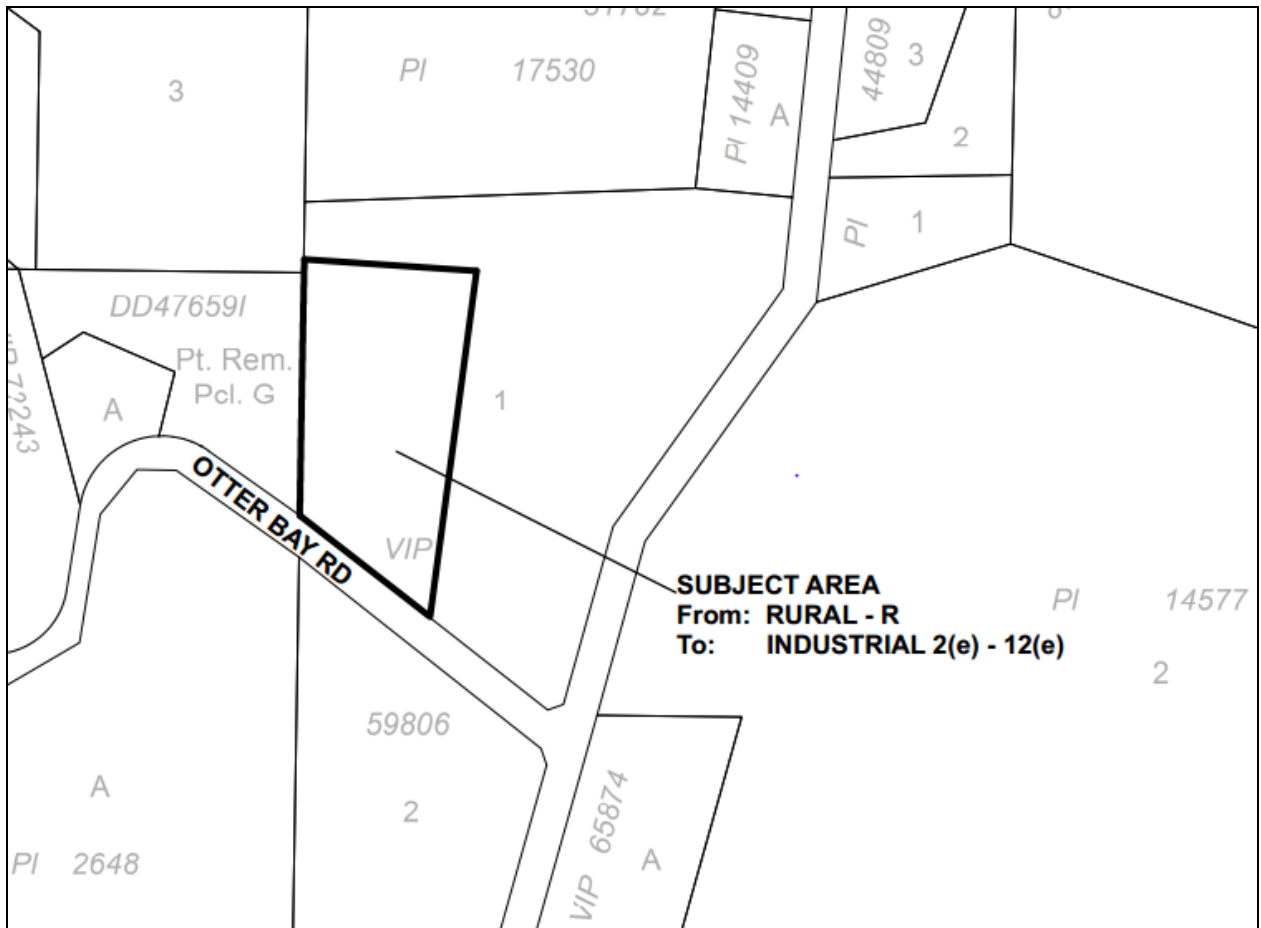
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 215

Plan No. 1



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 215

Plan No. 2



STAFF REPORT

File No.: NP-LTC-6500-20
Work Program (Groundwater Sustainability)

DATE OF MEETING: April 25, 2019
TO: North Pender Island Local Trust Committee
FROM: William Shulba, Senior Freshwater Specialist
Local Planning Services
COPY: Robert Kojima – Regional Planning Manager
SUBJECT: Groundwater Sustainability Strategy 2020-2030 Project Charter

RECOMMENDATION

1. THAT the North Pender Island Local Trust Committee endorse the attached Groundwater Sustainability Strategy Project Charter to develop information, data, coordination, and outreach as part of a phased ecological approach to groundwater sustainability on North Pender Island.

REPORT SUMMARY

The purpose of this report is to provide a project charter for the Groundwater Sustainability Strategy.

BACKGROUND

The North Pender Island Local Trust Committee (LTC) has requested staff create a Groundwater Sustainability Project Charter to develop strategies for the phased ecological approach to groundwater management project. This project would including, but not be limited to, determining Community Aquifer Recharge Areas and Community Aquifer Water Budgets on North Pender Island based on a February 28, 2019 Staff Report. This project will now also include the Galiano and South Pender LTAs.

A project charter outlines the objectives of the project, the timeline and main steps, the deliverables, what is in scope and out of scope, and resources and budget. It is intended to guide staff and the LTC as the project proceeds, keeping the project on time and within scope. If timelines change, or new work is proposed to be included in the project, then the project charter is revisited and changes endorsed by the LTC.

Once the project charter is approved staff can proceed with the work. For this project the bulk of data gathering and analysis is proposed to be undertaken by a consultant or consultants; the next step is to prepare a detailed budget request and if approved commence the process to retain a consultant or consultants. Staff are estimating that the consulting budget could be up to \$50,000 for three local trust areas (North Pender, South Pender, and Galiano), but this will be determined at the next phase through the budget request and the procurement process. If the budget and procurement process results in significant changes to the scope of the project, staff would come back to the LTC with revisions to the project charter.

RATIONALE FOR RECOMMENDATION

The proposed Groundwater Sustainability Project as presented in this report, would advance the LTC's Top Priority and align with the relevant policies in the Official Community Plan.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. THAT the North Pender Island Local Trust Committee not endorse the Groundwater Sustainability Strategy Project Charter and request staff to return with more information.
2. THAT the North Pender Island Local Trust Committee request staff to report back with other options to address groundwater sustainability.

NEXT STEPS

If the LTC chooses to endorse the proposed project charter staff will prepare and submit a detailed budget request, and if approved, commence the process to hire a consultant or consultants. As the project proceeds staff report regularly to the LTC with updates, and seek direction if necessary.

Submitted By:	William Shulba, P.Geo Senior Freshwater Specialist	April 17, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	April 17, 2019

Groundwater Sustainability Strategy Project Charter

North Pender Local Trust Committee

Date: April 15, 2019

Groundwater Sustainability Project

Version: 2019.001

Purpose

In March 2019 the Islands Trust Council declared a climate emergency in the Islands Trust Area and directed staff to include a central focus on equitable climate change mitigation, adaptation, and resilience into strategic planning. Groundwater resources are a metric of climate change with vulnerabilities of seasonal precipitation changes, evapotranspiration forcing, recharge alterations, and saltwater intrusion risk. Groundwater recharge protection is identified in the Islands Trust Policy Statement.

Background

The North Pender Island Local Trust Committee has identified groundwater resources as a priority in its Official Community Plan and as part of land-use applications over the past decades. Groundwater is a unique amenity supporting ecosystem health and overall hydrological function of watersheds.

An ecosystems approach to groundwater sustainability strategy has been researched and recommended by J.D. Henderson in a master of science thesis (1998) and PhD dissertation (2008) outlining potential framework for aquifer protection and groundwater resource preservation. The recommendations and sentiments of this work resonate symbiotically with emerging scientific inquiry, technical tools, and current regulatory environment to help manage and plan groundwater use in a changing climate.

Objectives

Information Inventory and Data Stewardship	<i>Collate and synthesize existing groundwater information, data, references, and regulations into a common information dashboard providing access to information for climate change research and water use planning.</i>
Monitoring and Analysis	<i>Coordinate community groundwater monitoring network and determine analysis strategies to address how natural and anthropogenic changes will impact watershed hydrological function and groundwater use.</i>
Policy and Planning	<i>Develop groundwater sustainability options for Local Trust Committees to protect aquifers, preserve groundwater resources, and water plan for a sustainable future.</i>
Coordination and Education	<i>Participate in community knowledge building initiatives and coordinate with other Local Trust Committees, regional districts, improvement districts, community organizations, and the Province on aquifer protection and groundwater preservation strategies.</i>

In Scope

Information Inventory and Data Stewardship	• Consolidation of existing information and identification of knowledge gaps • Define Community Aquifer • Create an information and data dashboard for research and regulation
Monitoring and Analysis	• Investigation into potential funding sources for monitoring and analysis • Coordinate a Community Aquifer Monitoring Network • Define Community Aquifer Recharge Areas
Policy and Planning	• Review regulatory approaches to watershed protection and groundwater preservation • Strategy Development
Coordination and Education	• Community workshops and community education initiatives • Advocacy/Education/Consultation/Coordination with other agencies and First Nations • Development of Groundwater Sustainability Strategy Toolkit for Local Trust Committees

Out of Scope

- OCP or Land Use Bylaw amendments
- Preparation of a Water Sustainability Plan under the Water Sustainability Act (WSA)
- North Pender Local Trust Committee Associated Islands

Groundwater Sustainability Strategy Project Charter

North Pender Local Trust Committee

Date: April 15, 2019

Groundwater Sustainability Project

Version: 2019.001

Community Aquifer Concept

A first phase of an ecological approach to groundwater management is to identify an investigation scale that is symbiotic with ecosystem mapping. *Community Aquifers* which are regions of regional aquifers that are emerging as a groundwater management unit that takes an ecological and community approach to groundwater management.

Community Aquifers provide significant volumes of groundwater shared by domestic, commercial, agricultural, and water sup-

Community Aquifer Recharge Areas

Community Aquifer Recharge Areas promote replenishment of water to subsurface hydrogeological networks via bedrock fractures, geological faults, and watershed ecosystems. Identifying recharge area for planning and conservation is a vital first step in an ecosystem approach to groundwater management using existing aquifer and watershed mapping in concert with ecological, geological, climatological, land-use, and water-use data and information.

Workplan

	Task	Start Date	Status	Budget
Information Inventory and Data Stewardship	Information Inventory	May 2019	Proposed	TBD
	Data Gap Analysis	May 2019	Proposed	TBD
	Community Aquifer Boundary Mapping	May 2019	Proposed	TBD
Monitoring and Analysis	Community Aquifer Recharge Area Mapping	Sept 2019	Proposed	TBD
	Community Aquifer Monitoring Program	Sept 2019	Proposed	TBD
	Community Aquifer Water Balance	Sept 2019	Proposed	TBD
Policy and Planning	Regulatory and Reference Review	May 2019	Proposed	TBD
	Water Authorizations Terms of Reference	Sept 2019	Proposed	TBD
	Groundwater Sustainability Options	Sept 2019	Proposed	TBD
Coordination and Education	Community Aquifer Workshop #1	Summer 2019	Proposed	TBD
	Community Aquifer Workshop #2	Fall 2019	Proposed	TBD
	Groundwater Sustainability Strategy Options	Jan 2020	Proposed	TBD

Project Team

William Shulba Freshwater Specialist	Project Manager
Robert Kojima, Regional Planning Manager	Project Support
Maple Hung, Office Admin Asst.	Admin Support
Mark van Bakel, Technical Analyst	Info. Coordination
TBD	Project Consultant (s)

Director Approval:

Date:

LTC Endorsement:

Date:

Budget

Budget Sources: NP LTC Special Projects (2018/19); LPS Project Budget (2019/2020)

Fiscal	Item	Cost
2019-20	Community Workshops	\$1000
2019-20	Consultation & Communica-	\$1000
2019-20	Consulting Services	\$50,000
2019-20	Coordination Services	-
	Total	\$52000

DATE OF MEETING: April 25, 2019
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, RPM
Southern Team
SUBJECT: Electronic Meeting amendment

RECOMMENDATION

1. That the North Pender Island Local Trust Committee direct staff to prepare a draft bylaw to amend "North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 156, 2004" in order to incorporate electronic meeting amendments.

REPORT SUMMARY

The purpose of this report is to provide for consideration of amending the North Pender Island Local Trust Committee (NPILTC) Meeting Procedures Bylaw to allow for electronic participation by members at a Local Trust Committee meeting.

BACKGROUND

This has been identified as a potential amendment by local trustees. Where a local trustee is absent from the place where the meeting is being held, but could be available remotely, such an amendment would allow for electronic participation. If the LTC chooses to proceed, the draft bylaw would be prepared in accordance with the Islands Trust Electronic Meetings Regulation and related legislation. To date, several Local Trust Committee Procedure Bylaws have been amended to provide for electronic meetings

Statutory Requirements

1. Islands Trust Electronic Meetings Regulation

This provincial regulation allows Trust bodies, including LTCs, to adopt electronic meeting provisions and provides that:

- a meeting of a trust body may be conducted by means of electronic or other communication facilities, or
- a member of a trust body who is unable to attend at a meeting of the trust body may participate in the meeting by means of electronic or other communication facilities.

The following conditions are required under the Regulation:

- Where any meeting participant is participating in a meeting through electronic communication facilities, the facilities must enable all meeting participants to hear, or watch and hear, each other and must provide notice when participants join or leave the meeting.

- Where any meeting participant is participating in a meeting through electronic communication facilities, the facilities must enable the public to hear, or watch and hear, all meeting participants at a place specified in the meeting notice, unless the meeting has been properly closed to the public.
- For the duration of an electronic meeting that is open to the public, a designated staff member must attend at the place specified in the meeting notice for the public to hear, or watch and hear, the participants. For clarification “a designated staff member” could be the contract minute taker.

Finally, members of a local trust committee who are participating under this section in a meeting conducted in accordance with this section are deemed to be present at the meeting.

Rationale for Recommendation

This report seeks direction to amend the meeting procedures bylaw to make provision for electronic meetings. If the LTC proceeds, staff would prepare standard amendments to the LTC's procedure bylaw.

ALTERNATIVES

1. Receive for information

The LTC may receive the report for information

NEXT STEPS

Staff would bring a draft bylaw that would amend the Meeting Procedures Bylaw to a future meeting for consideration of three readings and referral to the Executive Committee.

Submitted By:	Robert Kojima Regional Planning Manager	April 9, 2019
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Top Priorities

North Pender Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Land Use Planning for Waste Transfer	Develop policies and regulations for waste management siting		Robert Kojima	
2	Climate Change Adaptation, Mitigation and Resilience	Phase 1: Groundwater Sustainability Project (2019-2020) Phase 2: Sea level rise adaptation (2020-21)	29-Nov-2018	William Shulba	31-Mar-2020
3	Landowner Education	Develop landowner education and contact material for circulation and a letter to landowners with DPA	28-Feb-2019		30-Jun-2019

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

Description	Activity	R/Initiated
Freshwater sustainability	Implement Official Community Plan policies on potable water and groundwater resources, especially policies in OCP 4.1.1.	29-Oct-2015
Cannabis retail referral fees	Amend fees bylaw to add \$4000 fee for cannabis retail referral	06-Sep-2018
Coastal Douglas fir ecosystem		01-Feb-2019
Conservation Subdivisions	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
Official Community Plan Reviews	·View corridor review ·Parks and Conservation area review ·Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft) ·Marine riparian areas ·Regulations to address roadside sign placement. ·Designate locations for Level 2 Charging Stations ·Designate locations for additional Car Stop Locations ·Designate locations for additional Bicycling-Walking Routes ·Review of heritage Roads	22-Jan-2009
Agricultural Building Watercourse Setbacks	Implement Ministry of Agricultural Standards for Building Setbacks from Watercourses in Farming Areas.	28-Jul-2011
Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	22-Feb-2012

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

Description	Activity	R/Initiated
Land Use Bylaw Amendments/OCP Implementation	·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, 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	22-Mar-2012
Shoreline Project Implementation	Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones	
Climate Change Adaptation and Community Resilience	Review available baseline data and consider policy and regulatory land use changes to address climate change adaption and community resilience	22-Jan-2009



Islands Trust

Print Date: April 17, 2019

Applications

Board of Variance

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2019.1	Finlayson Bonet Architecture Ltd. Planner: Phil Testemale	11-Apr-2019	BOV application to allow a building height of 11.96 metres, 2.26 metres above the maximum allowable height of 9.70 metres
Planning Status			
Status Date: 12-Apr-2019 PTA Created File			

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2017.3	Datawave Communications Inc. (Driessen) Planner: Phil Testemale	18-Aug-2017	Sidney island Geo-technical Development Permit for a Single Family Dwelling
Planning Status			
Status Date: 16-Apr-2019 Planner e-mailing applicant to close file within 30 days if no new information submitted.			
Status Date: 20-Feb-2019 Resending request sent to applicant for schedule to submit outstanding information (numerous technical items)			
Status Date: 15-Nov-2017 Applicant obtaining geotechnical assessment report			
File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.10	Kaela Lee Planner: Phil Testemale	05-Dec-2018	proposed residential development
Planning Status			
Status Date: 16-Apr-2019 FLNRORD confirmed methodology. On April 25, 2019 agenda for consideration of issuance			

Applications

Status Date: 20-Feb-2019

Assessment created with FLNRORD. Awaiting confirmation that RAR methodology in compliance.

Status Date: 22-Jan-2019

Awaiting RAR report.

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.11	McCutcheon, Ross	12-Dec-2018	proper thinning of trees
Planner: Phil Testemale			
Planning Status			

Status Date: 28-Mar-2019

Contact with applicant - will be having geotechnical report amended

Status Date: 04-Feb-2019

Requested amended geotechnical report (objectives 1 to 3). March agenda for consideration.

Status Date: 12-Dec-2018

PTA created file, fees processed, given to Planner

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC	23-May-2018	Construct 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
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**Applications**

NP-DP-2018.8 EDWARD L 17-Sep-2018 DPA was requested, new planting in area where trees were removed, replace two old sheds
 MONTAGUE
 DEBORAH K
 MONTAGUE
Planner: Phil Testemale

Planning Status

Status Date: 16-Apr-2019

Restoration plan finalized. Siting issues with dock and dwelling identified. May 30, 2019 LTC for consideration.

Status Date: 26-Mar-2019

CRD, Biologists, Owner meeting on March 28 to finalize plan.

Status Date: 13-Mar-2019

Biologist's plan completed. CRD consulting applicant. April 25 agenda for consideration.

File Number	Applicant Name	Date Received	Purpose
NP-DP-2019.1	Ferguson, Jack	03-Jan-2019	development permit in respect to a environmental area

Planner: Phil Testemale

Planning Status

Status Date: 16-Apr-2019

Revised plans rec'd. May 30, 2019 agenda for consideration.

Status Date: 13-Mar-2019

Received Biologist's report and checklist. Applicant has requested delay pending revisions from application.

Status Date: 22-Jan-2019

Awaiting required biologist's report.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2019.1	Tara Randall	07-Jan-2019	A DVP was applied for because the BP was rejected. A new home build.

Planner: Phil Testemale

Planning Status

Applications

Status Date: 25-Mar-2019

Applicant has survey indicating dwelling over height. Adding height to setback for variance. May 30 LTC agenda.

Status Date: 20-Feb-2019

Awaiting information from applicant.

Status Date: 23-Jan-2019

Spoke with CRD BI and applicant. Will add height to Variance application and supply survey allowing BI to conduct framing inspection.

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2018.2	Shaw Communications (GRL Holdings)	28-Jun-2018	Move from TUP to permanent use with rezoning.
Planner: Phil Testemale			

Planning Status

Status Date: 16-Apr-2019

Public Hearing advertised and scheduled for April 25, 2019. Second and Third Reading of Bylaw 220 Post Public Hearing.

Status Date: 13-Mar-2019

CIM held Feb. 28, 2019 LTC agenda. PH for April LTC

Status Date: 31-Jan-2019

First Reading and endorse ITPS. Direction to schedule CIM (Feb. 2, 2019 LTC)

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2018.3	TIM HALL PENDER ISLAND PARKS & RECREATION COMMISSION	05-Jul-2018	Danny Martin Park, 4710 Buccaneers Road - NPI OCP & LUB bylaws change from 'Community Service' to 'Community Park'; site will be used as a bowling green and continue as community park
Planner: Phil Testemale			

Planning Status

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.

Applications

Status Date: 20-Feb-2019

Awaiting further direction for file in consultation with applicants and CRD.

Status Date: 15-Oct-2018

Spoke with J. Chapman. Remove from Oct 25 agenda pending DA information on RAR creek. Likely to proceed with TUP for Disc Park structure as funding is in place.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2019.1	Sketch, Michael	11-Feb-2019	Bylaw amendment for rezoning in all residential zoned lots on N. Pender

Planner: Phil Testemale

Planning Status

Status Date: 16-Apr-2019

Staff report on April 25, 2019 agenda for direction on proceeding/not proceeding.

Status Date: 13-Mar-2019

E-mail to applicant. Schedule and process.

Status Date: 22-Feb-2019

PTA created file, fees received, LTC notified, given to Planner

Subdivision

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

Planner: Kim Stockdill

Planning Status

Status Date: 29-Aug-2018

Updated PLA received from MOTI

Status Date: 11-May-2018

Updated driveway access plan received.

Status Date: 09-Jan-2018

Awaiting information on driveway status



Applications

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

Planning Status

Status Date: 19-Nov-2018

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

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

Planning Status

Status Date: 16-Apr-2019

Applicant having final survey plan drafted.

Status Date: 03-Jan-2019

Proof of Potable Water and Sewer requirements met. Awaiting survey plan before issuing final letter to MoTI

Status Date: 19-Nov-2018

PLA extension approved. Waiting for Hydrogeologist report for proof of water.

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

Planning Status

Status Date: 15-Mar-2019

Terms of Reference for water requirement by SFS forwarded to PICSS.

Applications

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.

Status Date: 19-Nov-2018

Water requirement and licencing of existing well being pursued by applicants and Driftwood. Hydrologist to be retained by applicant.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2018.5	AARON GRIMMER	26-Jul-2018	aggregate storage, concrete batch plant, trucks and equipment, etc.
Planner: Phil Testemale			
Planning Status			

Status Date: 17-Apr-2019

Terms of Reference sent to applicant for management plans.

Status Date: 04-Mar-2019

Direction for staff to provide T of R for three (3) management plans and monitoring. Draft TUP to include and schedule CIM.

Status Date: 20-Feb-2019

Report on February 28, 2019 LTC Agenda. Proceed no further with application based on EAR.

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2019.1	Lori Vermeeren	30-Jan-2019	Rent out a property(a cottage) as a vacation rental.
Planner: Phil Testemale			
Planning Status			

Status Date: 13-Mar-2019

Notification and Permit drafted and forwarded to DC for notice. April 25 LTC for consideration.

Status Date: 31-Jan-2019

PTA created file, fees recieved, LTC notified, given to Planner

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2019.2	Ray Heffelfinger	05-Apr-2019	STVR use at their residential home.
Planner: Narrisa Chadwick			

Applications

Planning Status

Status Date: 16-Apr-2019
report prepared for April agenda

Status Date: 09-Apr-2019
given to Planner as assigned

Status Date: 05-Apr-2019
PTA Created file, fees received, LTC Notified

Islands Trust
 LTC EXP SUMMARY REPORT F2019
 Invoices posted to Month ending February 2019

650 North Pender	Invoices posted to Month ending February 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	1,500.00	72.40	1,427.60
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	4,000.00	2,550.69	1,449.31
65210-650	LTC - Local Exp - APC Meeting Expenses	600.00	45.00	555.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	500.00	72.62	427.38
TOTAL LTC Local Expense		<u>5,350.00</u>	<u>2,668.31</u>	<u>2,681.69</u>
Projects				
73001-650-4054	North Pender Waste Management Review	16,000.00	13,932.36	2,067.64
73001-650-4055	North Pender Housing Review	2,000.00	1,144.90	855.10
TOTAL Project Expenses		<u>18,000.00</u>	<u>15,077.26</u>	<u>2,922.74</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	- 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: - 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



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality March 2019

Local Trust Committee Referrals

The ITC Board considered two local trust committee referrals regarding development proposals on two properties adjacent to ITC Nature Reserves on Salt Spring and North Pender Islands. Read the details in the Island-by-Island Activities.

Standards and Practices for Land Trusts

The ITC Board received a comparison report about the revised Canadian Land Trust Alliance Standards and Practices. While the Islands Trust Conservancy meets the majority of recommended standards, there will be further work done to ensure it fulfills all relevant recommendations.

ITC Board Fund Development Advisory Committee

The ITC Board Fund Development Advisory Committee met for the first time since forming in a special closed meeting after the regular closed and open March 26 ITC Board meetings.

Islands Trust Reconciliation Declaration

The ITC Board discussed options for endorsement or participation in the Islands Trust Reconciliation Declaration.

Summary of Current Island-by-Island Activities

The ITC continues to work on management plans for eight nature reserves on Thetis (1), Gambier (3) and Denman (4) Islands and received forage fish habitat mapping for Sidney and James Islands.

Denman

The ITC Board received a briefing on the Comox Valley Regional District Engagement with First Nations in relation to a request from the Cowichan Valley Regional District to allow a segment of the Denman Cross Island Trail to cross the Lindsay Dickson Nature Reserve.

Management planning for the Valens Brook Nature Reserve, including the recent addition, is under way. Invasive species removal and trail clearing, sign installation, and tree protection for forest restoration continue at Inner Island, Lindsay Dickson, and Morrison Marsh Nature Reserves on Denman. New ten-year management plans for these three nature reserves will be completed in 2019.

Gabriola

Expansion of the boardwalk over wet areas and exposed roots on the west side of the loop trail in Elder Cedar Nature Reserve has been completed and additional minor trail improvements are planned for 2019.

Galiano

The ITC received a report from the Habitat Acquisition Trust that approximately 30 m³ of Scotch broom was removed from the bluffs at Trincomali Nature Sanctuary by volunteers in October 2018. Improved signage for the trail in Vanilla Leaf Land Nature Reserve is planned for 2019.

Gambier

Management planning for three Gambier Island Nature Reserves (Brigade Bluffs, Long Bay Wetland, Mount Artaban) continues.

Lasqueti

The ITC and the Lasqueti Island Nature Conservancy (LINC) have met the fundraising goal for the Salish View acquisition campaign. Staff are continuing working to finalize the land transfer. Once the land transfer is complete, public consultation and management planning will begin.

North Pender

The ITC Board discussed a referral from the North Pender Island Local Trust Committee for Bylaw No. 220. The subject property for the bylaw is adjacent to the Medicine Beach Nature Sanctuary. The ITC Board noted concerns about the effects of light pollution on many animal species, including bats, and concerns about storage of toxic materials on the site. Staff provided the ITC Board response to the local trust committee and followed up with planning staff regarding best management practices for external lighting and wildlife.

Salt Spring

The ITC Board considered a referral from Salt Spring Island planning staff regarding a Development Variance Permit for lands adjacent to the Lower Mount Erskine Nature Reserve. The ITC Board indicated that its interests are not significantly impacted and directed staff to work with the Salt Spring Island Planner to follow up with the landowner to provide information regarding conservation options to provide a natural buffer for the Nature Reserve.

Thetis

The ITC is assisting the Thetis Island Nature Conservancy and the Cowichan Community Land Trust with an application for funding for a trail and kiosk on Fairyslipper Forest Nature Reserve. The ITC continues to work on management plans for recent acquisitions on Thetis Island, including archaeological work and communications with the Penelakut Tribe regarding cultural values on the lands. ITC staff plan to install signage informing the public of Thetis Island nature reserve boundaries in 2019.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca

MEMORANDUM

DATE OF MEETING: April 25, 2019
TO: North Pender Island Local Trust Committee
FROM: Wayne Bourque, A/ Ecosystem Protection Specialist
SUBJECT: Forage Fish Habitat Mapping, Sidney and James Islands

PURPOSE:

Islands Trust Conservancy (ITC) has recently completed Forage Fish Habitat Mapping for Sidney and James Islands. This mapping work is part of a larger project to identify suitable habitat for Surf Smelt and Pacific Sandlance in the Trust Area. Mapping for North and South Pender Islands was completed and reported to the Committee in 2013.

For comparison, (see attachments) the total length of potential spawning habitat is assessed at 4.5 km on North Pender Island; 7.6 km on Sidney Island; and despite the fact that James Island is the smallest of the three, 11.0 km on James Island. Of those spawning habitats, approximately: 88% is mixed (Surf smelt and Sandlance), 11% Sandlance and 1.4% Surf Smelt on North Pender island; 45% Sandlance, 39% Surf Smelt, 16% mixed on Sidney Island; and, 55% mixed, 23% Surf Smelt and 22% Sandlance on James Island.

Mapping reports, forage fish habitat maps, and more information on Forage Fish and their importance in the ecosystem is available on the ITC website at:

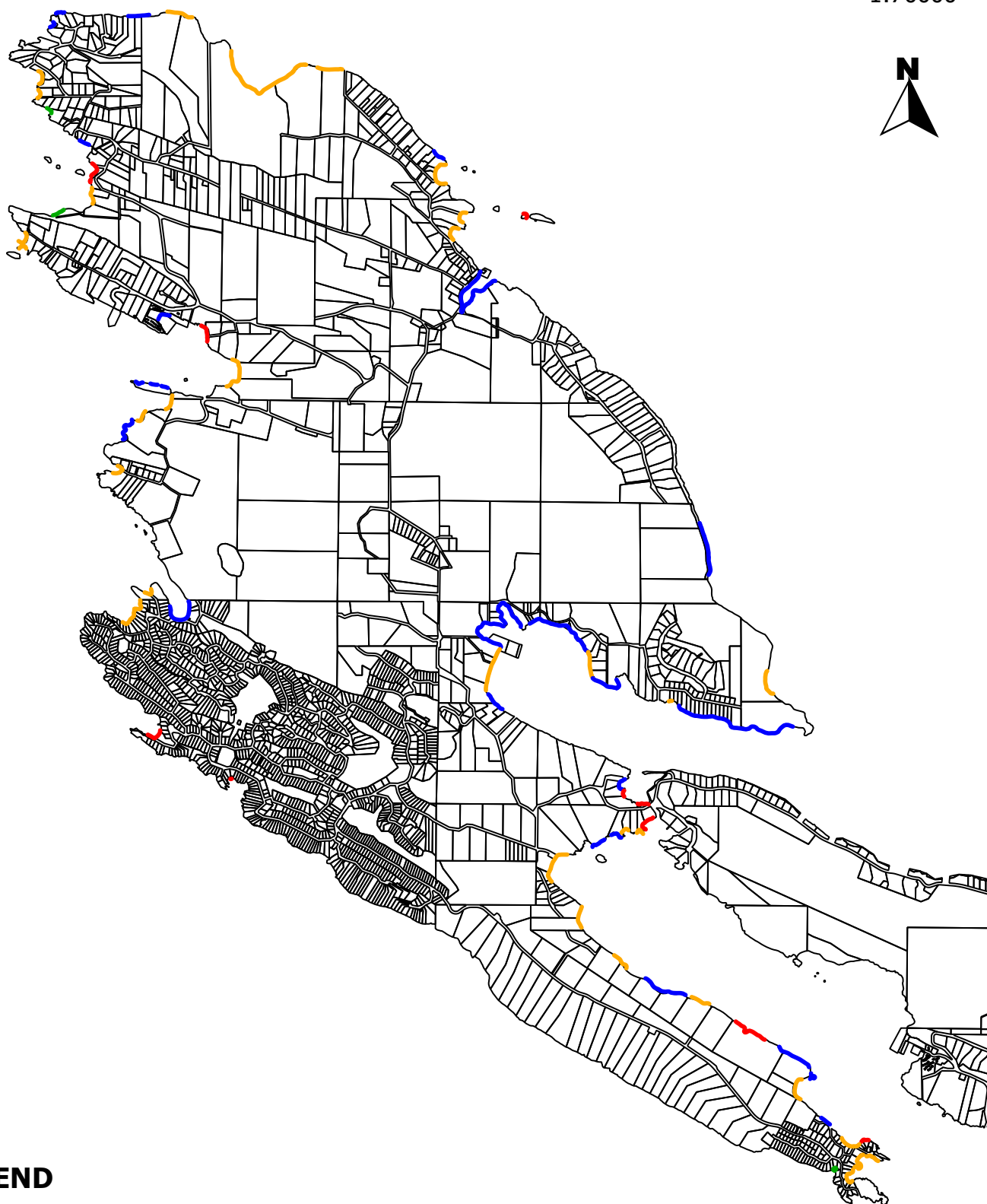
<http://www.islandstrustconservancy.ca/initiatives/marineconservation/foragefish/>

ATTACHMENTS:

1. Attachment 1: North Pender Islands Forage Fish Habitat
2. Attachment 2: Sidney Island Forage Fish Habitat
3. Attachment 3: James Island Forage Fish Habitat

Forage Fish Habitat

North Pender Island
March 13, 2013
1:70000



LEGEND

Forage Fish Habitat

- Suitable Habitat: Pacific Sandlance
- Suitable Habitat: Surf Smelt
- Suitable Habitat: Surf Smelt/Pacific Sandlance
- No Suitable Habitat

500 0 500 1000 1500 m







DATE OF MEETING: April 25, 2019
TO: North Pender Island Local Trust Committee
FROM: Miles Drew Bylaw Enforcement Manager, Local Planning Services
SUBJECT: Bylaw Enforcement Notification Bylaw Amendments

RECOMMENDATION

1. That North Pender Island Local Trust Committee Bylaw No. 218, cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 188, 2011, Amendment No. 1, 2018” be adopted.

REPORT SUMMARY

This report recommends that North Pender Island Local Trust Committee amend North Pender Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 188, 2011 (BEN) so that recent changes in North Pender Island and Associated Islands Land Use Bylaws (LUBs) are included; so that the penalties for voluntary compliance can be adjusted to zero; so that penalty amounts are adjusted to promote use of compliance agreements; and so that various housekeeping amendments can be made.

BACKGROUND

At the January 28, 2019 meeting the North Pender Island Local Trust Committee gave three readings to Bylaw No. 218 by making the following resolutions:

- 1) That North Pender Island Local Trust Committee Bylaw No. 218, cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 188, 2011, Amendment No. 1, 2018”, be read a first time.
- 2) That North Pender Island Local Trust Committee Bylaw No. 218, cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 188, 2011, Amendment No. 1, 2018”, be read a second time.
- 3) That North Pender Island Local Trust Committee Bylaw No. 218, cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 188, 2011, Amendment No. 1, 2018”, be read a third time.

At its regular business meeting on February 13, 2019, the Executive Committee approved Bylaw 218.

Rationale for Adoption

The BEN Bylaw has not been updated since its adoption in October of 2011. Since that time various amendments have been made to the LUBs causing the BEN Bylaw to be not synchronized with the LUBs. This amendment bylaw updates the Schedules to reflect changes in the LUBs.

Staff also recommends that the Schedules be changed to reduce fine amounts to zero for persons who agree to comply with the Land Use Bylaw. In the current Schedules, fines can be reduced by 75% or 50% in return for compliance. Experience with these fine structures has shown that, even after compliance is achieved, sometimes the fines are unpaid. Thus staff must pursue persons in court or by debt collection procedures for non-payment of a fine despite the fact that the original bylaw violation is resolved. This situation is counterproductive as it consumes scarce resources and damages goodwill. Additionally, in many cases the cost to comply with bylaws is sometimes substantial and reducing the fine to zero is a powerful incentive.

Fine amounts have also been adjusted so that there are now only three amounts. This is to simplify the fee structure and to accentuate the benefits of seeking a compliance agreement and thereby obtaining the 100% reduction in fine amount.

Finally, various housekeeping amendments are proposed such as changing the title of the Bylaw Enforcement Coordinator to Bylaw Enforcement Manager and changing the name and address of the Adjudication Registry from the North Shore Registry to the Islands Trust.

Proposed Bylaw No. 218 is consistent with Islands Trust Council policies and approved by the Executive Committee.

Submitted By:	Miles Drew Bylaw Enforcement Manager	February 15, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	Select Date.

ATTACHMENT

1. NP-LTC-BEN-Amendment-Bylaw-218

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 218

A BYLAW TO AMEND THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW ENFORCEMENT NOTIFICATION BYLAW, NO. 188, 2011

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

1. North Pender Island Local Trust Committee Bylaw cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 188, 2011” is hereby amended as follows:
 - i. By deleting the words “A BYLAW TO RESPECT THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE NORTH PENDER ISLAND LOCAL TRUST AREA” and substituting the words “A BYLAW WITH RESPECT TO THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE NORTH PENDER ISLAND LOCAL TRUST AREA”
 - ii. By deleting the words “North Shore Bylaw Notice Adjudication Registry” within section 1.2 and substituting the words “Islands Trust”;
 - iii. By deleting the words within section 4.0(2) and substituting the following: “if received by the Islands Trust within 14 days of the person receiving or being presumed to have received the bylaw violation notice, is the Discounted Penalty Amount set out in column A2 of Schedule “A” and Schedule “B” as attached to this bylaw applies”;
 - iv. By deleting the words within section 4.0(3) and substituting the following: “if more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1) , and is the Late Payment Penalty Amount set out in column A3 of Schedule “A” and Schedule “B” as attached to this bylaw or”;
 - v. By deleting the words within section 6.2 and substituting the following: “The civic address of the Registry is Suite 200 – 1627 Fort Street, Victoria, BC V8R 1H8”;
 - vi. By deleting the words “Bylaw Enforcement Coordinator” within subsection 7.2(2) and from within section 8.0(a) and substituting the following: “Bylaw Enforcement Manager”;
 - vii. By removing Schedule A – North Pender Island Land Use Bylaw No. 103, 1996 Contraventions and Penalties and substituting the attached: Schedule A – North Pender Island Land Use Bylaw No. 103, 1996 Contraventions and Penalties;
 - viii. By removing Schedule B – North Pender Associated Islands Land Use Bylaw No. 148, 2003 Contraventions and Penalties and substituting the attached: Schedule B – North Pender Associated Islands Land Use Bylaw No. 148, 2003 Contraventions and Penalties.
2. This Bylaw may be cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 188, 2011, Amendment No. 1, 2018.”

READ A FIRST TIME THIS	31 ST	DAY OF	JANUARY,	2019
READ A SECOND TIME THIS	31 ST	DAY OF	JANUARY,	2019
READ A THIRD TIME THIS	31 ST	DAY OF	JANUARY,	2019
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS	13 TH	DAY OF	FEBRUARY,	2019
ADOPTED THIS		DAY OF		,20__

SECRETARY

CHAIR