



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: January 30, 2020
Time: 10:00 am
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

			Pages
1.	CALL TO ORDER	10:00 AM - 10:15 AM	
2.	APPROVAL OF AGENDA		
3.	TRUSTEE REPORT		
4.	CHAIR'S REPORT		
5.	TOWN HALL AND QUESTIONS	10:15 AM - 10:30 AM	
6.	COMMUNITY INFORMATION MEETING	10:30 AM - 11:00 AM	
6.1	NP-TUP-2018.5 (Grimmer)		
7.	PUBLIC HEARING		
	None		
8.	MINUTES	11:00 AM - 11:10 AM	
8.1	Local Trust Committee Minutes Dated November 28, 2019 (for Adoption)		4 - 10
8.2	Section 26 Resolutions-without-meeting Report - None		
8.3	Advisory Planning Commission Minutes Dated November 26, 2019 and January 3, 2020 (for Receipt)		11 - 16
9.	BUSINESS ARISING FROM THE MINUTES	11:10 AM - 11:15 AM	
9.1	Follow-up Action List Dated January 2020		17 - 19
10.	DELEGATIONS		
	None		

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

11:15 AM - 12:00 PM

- | | | |
|------|--|---------|
| 12.1 | NP-TUP-2018.5 (Grimmer) - Staff Report (attached) | 20 - 49 |
| 12.2 | NP-TUP-2019.8 (Coburn) - Staff Report (attached) | 50 - 66 |
| 12.3 | NP-TUP-2019.7 (Burdett) - Staff Report (attached) | 67 - 82 |
| 12.4 | Salt Spring Island Local Trust Committee Bylaw 471 Referral (attached) | 83 - 85 |
| 12.5 | Salt Spring Island Local Trust Committee Bylaw 518 Referral (attached) | 86 - 88 |

13. LOCAL TRUST COMMITTEE PROJECTS

12:00 PM - 12:30 PM

- | | | |
|------|--|----------|
| 13.1 | Short Term Vacation Rental Review - Staff Report (attached) | 89 - 94 |
| 13.2 | OCP Implementation Project Options - Staff Report (attached) | 95 - 102 |

14. REPORTS

12:30 PM - 1:00 PM

- | | | |
|--------|---|-----------|
| 14.1 | Work Program Report (attached) | |
| 14.1.1 | <u>Top Priorities Report Dated January 2020</u> | 103 - 103 |
| 14.1.2 | <u>Projects List Report Dated January 2020</u> | 104 - 105 |
| 14.2 | Applications Report Dated January 2020 (attached) | 106 - 110 |
| 14.3 | Trustee and Local Expense Report Dated November 2019 (attached) | 111 - 111 |
| 14.4 | Adopted Policies and Standing Resolutions (attached) | 112 - 114 |
| 14.5 | Local Trust Committee Webpage | |
| 14.6 | Islands Trust Conservancy Report Dated November 2019 (attached) | 115 - 116 |

15. NEW BUSINESS

1:00 PM - 1:15 PM

- | | | |
|------|--|-----------|
| 15.1 | Policy options for Bylaw Enforcement Compliance on unlawful uses | 117 - 120 |
|------|--|-----------|

16. UPCOMING MEETINGS

- | | | |
|------|---|--|
| 16.1 | Next Regular Meeting Scheduled for February 27, 2020 at the Anglican Parish Hall, Pender Island | |
|------|---|--|

17. TOWN HALL

1:15 PM - 1:30 PM

18. CLOSED MEETING

None

19. ADJOURNMENT

1:30 PM - 1:30 PM



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: November 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
Shannon Brayford, Recorder

Public: There were approximately 8 members of the public.

1. CALL TO ORDER

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

Chair Patrick reported that the meeting was being live streamed on Facebook by a member of the community.

2. APPROVAL OF AGENDA

The following additions were recommended:

- 15.2 Transportation Commission
- 15.3 James Island

By general consent, the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee Morrison reported that the Bylaw Review process had begun. She encouraged the community to email their recommendations for both changes or what should remain the same.

Trustee Morrison also provided an overview of the types of projects that can be undertaken locally related to climate change.

4. CHAIR'S REPORT

Chair Patrick provided a report including the following points:

- met with the Climate Action Group at the Salt Spring Island High School.
- Trust Council will be held December 3-5, 2019 and will include the first steps in the budget approval process for the next fiscal year.
- participated in a meeting with the Coast Guard regarding the inclusion of the Islands Trust area in the Marine Spill plan.

5. TOWN HALL AND QUESTIONS

Michael Sketch addressed the Waste Management Bylaws and the requirements under the Official Community Plan. He encouraged the Local Trust Committee (LTC) to revisit the zoning matter. He also recommended that climate change mitigation include incentives for prime Agricultural Land Reserve (ALR) lands to build ponds so that water is stored from winter rain fall for summer use.

Mike Burdett requested and received information on the use of catchment water as potable water and implications to the property owner for installing a pond.

He addressed information on plans for density transfer and alternative water sources that could be encouraged to prevent removal of density.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated November 7, 2019

By general consent the Local Trust Committee meeting minutes of November 7, 2019 were adopted as presented.

8.2 Section 26 Resolutions-without-meeting Report

None

8.3 Advisory Planning Commission Minutes

None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated November 2019

Regional Planning Manager (RPM) Kojima provided a brief overview.

10. DELEGATIONS

None

11. CORRESPONDENCE

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

None

12. APPLICATIONS AND REFERRALS

12.1 NP-RZ-2019.3 (Henshaw)

RPM Kojima provided an overview of the staff report and the history of the matter.

A discussion of industrial zoning, the tools available to LTCs for managing those zones, and the general challenges related to industrial zoning on the island was held.

NP-2019-113

It was Moved and Seconded,

that the North Pender Island Local Trust Committee deny application NP-RZ-2019.3 (Henshaw) for the following reason: that further comprehensive review of industrial land needs to occur; and further, that the North Pender Island Local Trust Committee request the applicant to make an application for a Temporary Use Permit prior to January 15, 2020.

CARRIED

12.2 NP-TUP-2019.4 (Burdett)

RPM Kojima provided an overview of the staff report, its recommendations, and the communication from the Islands Trust Conservancy staff regarding any of their concerns with the use.

A discussion was held regarding the application and potential revisions.

NP-2019-114

It was Moved and Seconded,

that the North Pender Island Local Trust Committee require that the agreement letter between the leasee and the owner explicitly state exclusive permission for the leasee to use the Temporary Use Permit land.

CARRIED

NP-2019-115

It was Moved and Seconded,

that the North Pender Island Local Trust Committee amend NP-TUP-2019.4 (Burdett), 3c to have the hours of operation be limited to daylight hours.

CARRIED

NP-2019-116

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit renewal application NP-TUP-2019.4 (Burdett), as amended, for three (3) years.

CARRIED

12.3 NP-TUP-2018.5 (Grimmer)

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

A discussion was held, with input from the applicant, regarding the requirements listed within the TUP.

It was recommended that the TUP be amended to require the following:

- Continual monitoring of the pH in the tanks;
- Cover the tanks with the highest pH;
- Fence the high pH tanks;
- Confirmation of the staff's safety training; and
- Mitigation of dirt/mud on the road.

12.4 South Pender Island Local Trust Committee Bylaw No. 117 Referral

RPM Kojima provided an overview of the referral.

NP-2019-117

It was Moved and Seconded,

that the North Pender Island Local Trust Committee indicate approval of the South Pender Island Local Trust Committee Bylaw No. 117 to foster careful consideration of their Short Term Vacation Rental review.

CARRIED

12.5 Salt Spring Island Local Trust Committee Bylaws 519 & 520 Referral

Chair Patrick provided an overview of the two bylaws.

NP-2019-118

It was Moved and Seconded,

that the North Pender Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Bylaw 520 referral with "interests unaffected" and "that the North Pender Island Local Trust Committee encourages the Salt Spring Island Local Trust Committee to consider if they are consistent with the directive policies of the Islands Trust Policy Statement."

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

None

14. REPORTS

14.1 Work Program Report (attached)

14.1.1 Top Priorities Report Dated November 2019

RPM Kojima provided an overview of the Top Priorities and the work completed to date.

14.1.2 Projects List Report Dated November 2019

Received for information.

14.2 Applications Report Dated November 2019

RPM Kojima provided information on specific applications.

A discussion was held regarding property owners being held accountable for unlawful tree removal.

A discussion was held regarding Short Term Vacation Rentals (STVRs).

NP-2019-119

It was Moved and Seconded,

that the North Pender Island Local Trust Committee place a moratorium on new Short Term Vacation Rental Temporary Use Permits for a limited time while the Local Trust Committee completes the Short Term Vacation Rental Review.

CARRIED

14.3 Trustee and Local Expense Report

None

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage

Received for information.

14.6 Islands Trust Conservancy Report Update - October 2019

Received for information.

15. NEW BUSINESS

15.1 North Pender Bike Lane Support Letter

The letter from Narrissa Chadwick was reviewed and the LTC expressed their appreciation of the recommendations.

15.1 Transportation Commission

Trustee Morrison requested that the letters written by staff regarding the North Pender Bike Lane Support letter also include encouragement of the development of a Transportation Commission.

15.1 James Island

A discussion of Associated Islands Bylaw 148 and the proposed subdivision of James Island was held. Staff provided recommendations of options available to the LTC for participating in the process moving forward

By general consent, the LTC requested that the Southern Gulf Islands Trust Areas hold a meeting with the Ministry of Transportation and Infrastructure.

16. UPCOMING MEETINGS

16.1 Next Proposed Regular Meeting Scheduled for January 30, 2020, at the Community Hall, Pender Island

17. TOWN HALL

Michael Sketch spoke to the James Island matter and requested information regarding the process by which bylaws can be challenged legally.

John Aftias requested and received information on NP-RZ-2019.3 (Henshaw) and the permitted uses. He expressed concern for the safety of his adjacent well. He requested that a restriction on early mornings be included in NP-TUP-2018.5 (Grimmer) in order to compromise between their ability to conduct their commercial operation and neighbouring residents' ability to have quiet enjoyment of their home.

Michael Sketch requested information on Temporary Use Permits (TUPs) and their relationship to the OCP and the Local Government Act. He identified incidences by which the OCP is being amended through several bylaw amendments.

18. CLOSED MEETING (Distributed Under Separate Cover)

18.1 Motion To Close the Meeting

NP-2019-120

It was Moved and Seconded,

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

- Adoption of In-Camera Minutes Dated November 7, 2019
- Legal Opinion

CARRIED

18.2 Recall to Order

Chair Patrick recalled the meeting to order at 1:05 p.m.

18.3 Rise and Report

Chair Patrick reported that the LTC adopted the in-camera minutes of the Local Trust Committee meeting of November 7, 2019.

19. ADJOURNMENT

A discussion of future meeting locations was held.

By general consent the LTC determined that their 2020 meeting location would be moved to the Anglican Church.

By general consent the meeting was adjourned at 1:07 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder

North Pender Island Advisory Planning Commission Minutes of a Meeting

Date: Friday, November 26, 2019 (3:30 p.m.)

Location: Pender Island Community Hall
North Pender Island, BC

Members Present: Marika Kenwell (Chair)
Ladislav Holovsky
Jaimie DeBruin
Vicki Dutton

Staff Present: Shannon Brayford, Recorder

Regrets: Carolyn Bell
Ann Stephenson
Amanda Griesbach

Others Present: None

1. CALL TO ORDER

At 3:37 pm, Recording Secretary Shannon Brayford opened the meeting and provided an overview of the process for electing a Chair.

2. APPROVAL OF AGENDA

By general consensus, the agenda was approved as presented.

3. ELECTION OF CHAIR

Shannon Brayford made a first call for nominations for the position of Chair for the North Pender Island Advisory Planning Commission.

Vicki Dutton nominated Marika Kenwell for the position of Chair.

Marika Kenwell accepted the nomination

Shannon Brayford made a second call for nominations for the position of Chair for the North Pender Island Advisory Planning Commission.

No nominations were heard.

Shannon Brayford made a third call for nominations for the position of Chair for the North Pender Island Advisory Planning Commission.

No nominations were heard.

Shannon Brayford announced that, hearing no further nominations, Marika Kenwell had been acclaimed Chair of the North Pender Island Advisory Planning Commission.

4. CONSIDERATION OF SHORT TERM VACATION RENTAL POLICY REVIEW OPTIONS

Chair Kenwell provided an overview of the Short Term Vacation Rental (STVR) referral.

The Advisory Planning Commission (APC) held a general discussion of the referral, including the role of Temporary Use Permits (TUPs), specific concerns with STVRs, and the benefits/drawbacks of tourism.

Members of the APC raised several potential recommendations for consideration of the group. Discussions were held and it was generally agreed that no resolutions would be passed at the meeting, but that a second meeting would be scheduled. .

NP-APC-2019-001

It was moved and seconded that,

That the North Pender Island Advisory Planning Commission direct Chair Kenwell to write to the North Pender Local Trust Committee and Islands Trust Staff requesting the following information, to be received prior to the end of December 2019,

- General information from bylaw control about the nature of complaints that are received regarding Short Term Vacation Rentals (quantity of complaints, general nature of the complaints, and general outcomes)
- Information on the number of Short Term Vacation Rentals that are believed to exist and the manner by which that number is determined
- An update on the North Pender Island Aquifer project
- Clarification on how Bylaw enforcement is activated and why there are so few open files.

CARRIED

A discussion of the next meeting format was held.

NP-APC-2019-002

It was moved and seconded that,

5. That the North Pender Island Advisory Planning Commission directs Chair Kenwell to arrange a meeting between January 2-January 15, 2019 for further consideration of the referral Short Term Vacation Rental Policy Review Options.

CARRIED

6. ADJOURNMENT

By general consensus, the meeting was closed at 5:21 pm.

Marika Kenwell, Chair

Certified Correct:

Shannon Brayford, Recorder



**North Pender Island
Advisory Planning Commission
Minutes of a Meeting**



Date: Friday, January 3, 2020 (1:30 p.m.)

Location: Pender Island Community Hall
North Pender Island, BC

Members Present: Marika Kenwell (Chair)
Jaimie DeBruin
Vicki Dutton
Carolyn Bell
Ann Stephenson
Amanda Griesbach

Staff Present: Shannon Brayford, Recorder

Regrets: Ladislav Holovsky

None

Others Present:

1. CALL TO ORDER

At 1:30 pm, Chair Kenwell opened the meeting and acknowledged that the meeting was being held in the Territory of the Coast Salish People.

2. APPROVAL OF AGENDA

NP-APC-2019-003

It was moved and seconded that,

That the North Pender Island Advisory Planning Commission approved the agenda as presented.

CARRIED

3. ADOPTION OF MINUTES OF NOVEMBER 26, 2019

NP-APC-2019-004

It was moved and seconded that,

That the North Pender Island Advisory Planning Commission adopted the minutes of November 26, 2019 as presented.

CARRIED

4. **CONSIDERATION OF SHORT-TERM VACATION RENTAL POLICY REVIEW OPTIONS**

Chair Kenwell provided an overview of the email received from Trustee McConchie in response to the Advisory Planning Commission's (APC) request for subsequent information.

Note: Amanda Griesbach arrived at 1:38 pm.

A discussion was held regarding the following points:

- There was extensive research completed three years ago on the matter for North Pender Island.
- The Galiano report highlights the challenges of creating a meaningful inventory.
- Concerns expressed in the general public regarding Short Term Vacation Rentals (STVRs) including impact on housing stock, water resources, and community.

NP-APC-2019-005

It was moved and seconded that,

That the North Pender Island Advisory Planning Commission advises the North Pender Islands Local Trust Committee to accept option number 4 of the Staff Report (NP-6500-20) supporting a limited review of short-term vacation rentals with limited public engagement.

CARRIED

A discussion was held in which the following points were discussed.

- The risk of secondary suites, which were made legal to improve housing stock, are being used for STVRs
- Negative impact STVRs can have on resources, including water resources, and whether there is evidence of those negative impacts or not.
- Potential environmental impacts of larger populations due to increased tourism.
- Increased volume of population's impact on the infrastructure such as fire department, clinic, ferry waits, etc.
- Economic benefits of having STVRs and the industry that is created to support them.
- Support for the STVRs in the polls that were done prior to the regulations being adopted.
- The impact that tourism and STVRs have on the fabric of the community.

NP-APC-2019-006

It was moved and seconded that,

That the North Pender Island Advisory Planning Commission recommends that the North Pender Islands Local Trust Committee adopt a pro-active bylaw enforcement method when they review the Short-Term Vacation Rental policy.

A discussion of the motion was held regarding the impacts that improved bylaw enforcement would have to improve public perception of STVRs.

Chair Kenwell called for the vote.

CARRIED

Discussion of housing and the impact on the community and the economy.

NP-APC-2019-007

It was moved and seconded that,

That the North Pender Island Advisory Planning Commission supports the North Pender Islands Local Trust Committee's plan to develop of a comprehensive tourism management plan for North Pender Island and recommends that the plan include consideration of staff accommodation.

CARRIED

5. ADJOURNMENT

By general consensus, the meeting was closed at 3:40 p.m.

Marika Kenwell, Chair

Certified Correct:

Shannon Brayford, Recorder



Follow Up Action Report

North Pender Island

28-Feb-2019

Activity	Responsibility	Dates	Status
1 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 - DONE (letter to applicant) 2. Staff to incorporate measures from supplemental professional report into a draft TUP - DONE 3. Staff to schedule a CIM once TUP is drafted DONE	Phil Testemale William Shulba	Target: 30-Sep-2019	Completed

07-Nov-2019

Activity	Responsibility	Dates	Status
1 11.1 Correspondence: staff to write a letter indicating a deadline of January 2020 to respond to the Local Trust Committee with a comprehensive plan and/or lease agreement indicating the future uses of the industrial land.	Phil Testemale	Target: 15-Nov-2019	Completed
2 13.2 OCP Implementation - staff to report back with a project charter for an LUB Review	Robert Kojima	Target: 15-Nov-2019	Completed
3 15.2 (New business) - staff to write a letter to MLA Olsen and MoTI Minister in support of bike lanes on North Pender. (cc CRD)	Narrisa Chadwick	Target: 22-Nov-2019	Completed
4 New Business: staff to report on options for a policy on bylaw compliance for unlawful uses	Robert Kojima Warren Dingman	Target: 22-Jan-2020	Completed



Follow Up Action Report

North Pender Island

28-Nov-2019

Activity	Responsibility	Dates	Status
1 8.1 Minutes of Nov 7th adopted as presented	Maple Hung	Target: 06-Dec-2019	Completed
2 12.1 NP-RZ-2019.3 (Henshaw) - application denied and applicant requested to apply for a TUP by Jan 15th	Maple Hung Phil Testemale	Target: 06-Dec-2019	Completed
3 12.2 NP-TUP-2019.4 (Burdett) - permit approved for issuance as amended for three years. (3(c) amended to change hours of operation to 'daylight hours')	Phil Testemale Sharon Lloyd-deRosario	Target: 06-Dec-2019	Completed
4 12.4 South Pender LTC Bylaw No. 117 - NPILTC indicates approval of SPILTC Bylaw No. 117 to foster careful consideration of the STVR review	Sharon Lloyd-deRosario	Target: 06-Dec-2019	Completed
5 12.5 SSILTC Bylaw 519 - interests unaffected SSILTC Bylaw 520 - That the NPILTC states its interests are unaffected however that the NPILTC encourages the SSILTC to consider if the bylaw is consistent with the directive policies of the Islands Trust Policy Statement	Sharon Lloyd-deRosario	Target: 06-Dec-2019	Completed
6 15.1 Bike letter - proceed as recommended by staff, with each letter cc'ed to the other recipient and include language referencing a transportation commission as a possible outcome	Narrisa Chadwick	Target: 06-Dec-2019	Completed

Follow Up Action Report

North Pender Island

28-Nov-2019

Activity	Responsibility	Dates	Status
7 Standing resolution adopted: THAT the NPILTC place a moratorium on new STVR TUP applications for a limited time while the LTC completes an STVR review project	Robert Kojima	Target: 06-Dec-2019	Completed
8 16.1 Upcoming meetings: that the location of 2020 regular LTC meetings be moved to the Anglican Hall if available.	Maple Hung	Target: 20-Dec-2019	Completed
9 18.3 In-camera minutes of Nov 7th adopted as presented	Maple Hung	Target: 06-Dec-2019	Completed

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

DATE OF MEETING: January 30, 2020

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

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

SUBJECT: **Temporary Use Permit Application – Update Report**
Applicant: Aaron Grimmer
Location: 4415 Bedwell Harbour Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee (LTC) approve issuance of Temporary Use Permit NP-TUP-2018.5 (Grimmer) for one (1) year.
2. That the North Pender Island Local Trust Committee (LTC) require that any application for renewal include a monitoring report prepared by a qualified professional engineer addressing adherence to the conditions of NP-TUP-2018.5 and the Environmental Management Plans as specified in Subsection 4. bb) of Attachment 2.

REPORT SUMMARY

The purpose of this report is to provide a post Community Information Meeting (CIM) update on the status of the proposed TUP application, and to provide the North Pender Local Trust (LTC) with options for proceeding or not proceeding with the application NP-TUP-2018.5 (Grimmer).

The Temporary Use Permit (TUP) application is for a concrete batch plant and associated uses on a .75 ha (1.9 ac. – approx.) portion of the subject property. The TUP would bring the subject property into compliance with the North Pender Island Land Use Bylaw 103, 1996.

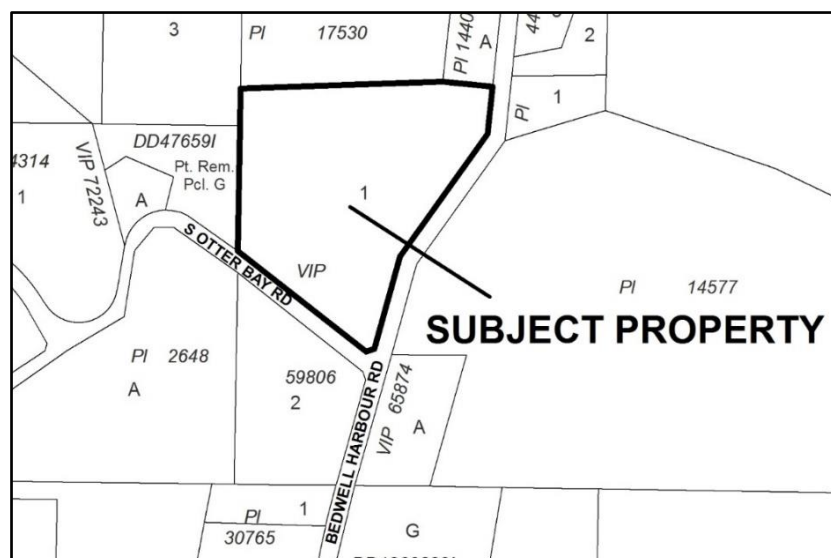
The above recommendations are supported as permitting the application will allow the use for a limited time under professional monitoring. Upon application for renewal the required professional reporting will ensure that the environmental management plans and conditions of the permit have been complied with or renewal could be denied by the LTC. Additionally, the timeframe also places a renewal application further along a review of industrial zoning regulations on the island as part of the OCP implementation project, thereby providing more information on the suitability of the site and alternatives when considering a renewal.

This application was the subject of the **Community Information Meeting** scheduled for the January 30, 2020 LTC Regular Meeting.

- A concrete batch plant operation.
- The storage, handling and sale of aggregates defined as sand, drainage rock and gravel.
- For certainty, and for the purposes of this permit handling is defined as blending, but does not include screening, sorting, crushing or washing as those activities represent increased environmental risks and nuisance.
- Storage of motorized and non-motorized vehicles and equipment directly required for the concrete and excavation business know as “Gulf Excavating Ltd”.
- Buildings and structures accessory to the foregoing

Further Background to this application, including three (3) staff reports and two (2) Staff Memos are available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/current-application-documents/>

Figure 1 – Subject Property



Specific File Activity:

The application has been reviewed previously by the LTC on November 28, 2019. The following is a summary of activities that have occurred for this application since that time:

- At its November 28, 2019 Regular Meeting, staff provided a draft TUP permit to the LTC
- The draft permit was sent to the applicant and his consulting engineer (Sean Babulic, EIT of Islander Engineering Ltd) for review with a request to provide comments, missing information and standards as highlighted in the draft by December 15, 2019
- The applicant and his engineer forwarded information as requested by December 15, 2019. The applicant eventually provide outstanding information by December 24, 2019.
- Based on feedback from the LTC, the applicant and his engineer, the draft TUP was amended and is Attachment 2. Substantive changes include an increase in the size of the proposed maintenance structure from 43m² to 464 m² and to hours of operation. This size of the shed was requested by the applicant with the rationale of containing maintenance activities inside for environmental protection. The applicant has been informed that the maximum height of an accessory building is 4.6 metres and as such it is likely that a Development Variance Permit will be required prior to construction. Hours of operation have been changed in consideration of the CRD noise bylaw. A security of \$10,000 is a reasonable figure to correct at a least a portion of environmental damage if necessary.
- Staff scheduled the scheduled Community Information Meeting (CIM) for the January 30, 2020 LTC regular Meeting.
- Staff undertook required notification of the TUP as follows:
 - Notice (Attachment 1) was mailed and delivered to neighbours within 100 metres of the subject property;
 - The notice was posted on the North Pender Island LTA news page; sent to e-mail subscribers and posted on community information boards.
 - Required notice is to be published in the *Driftwood* on January 23, 2020
- Staff has received one letter in response to notification to date (Below and Attachment 3).
- An application by Mike and Anne Burdett (NP-TUP-2019.7 - Pender Island Waste Management) was made on December 18, 2019 for a TUP on the subject property directly adjacent and to the west of this proposal.

Any new information will be submitted to the LTC and reported at the CIM.

Consultation

Statutory Requirement - Notification

A TUP application requires that a notice be circulated and mailed to surrounding properties within 100 metres of the property and be the published in a local newspaper (the *Driftwood*) within two weeks of the meeting that

the TUP is to be considered by the LTC. As above, staff has completed this notification in addition to other web and community postings.

As above, Staff has received one letter in response to the notification to date (Attachment 3). That letter from a direct neighbour who is against the proposal primarily due to noise and specifically due to early (5 a.m.) operations for off-island deliveries. The TUP has been amended to revise hours to concur with the CRD noise bylaw which exempts activities where ferry schedules mandate extended hours:

- j. Hours of operation may be extended to between 5:00 a.m. and 7 p.m., Monday to Friday for exclusively for off-island loads as necessarily determined by ferry schedules and where all reasonable measures are taken to abate noise.*

The neighbour is also concerned about the mining of shale on the property, the heritage value of the MacDonald farm and his own property value.

Letters received in the past year (one in favour, one against) are available on the North Pender page of the Islands Trust website.

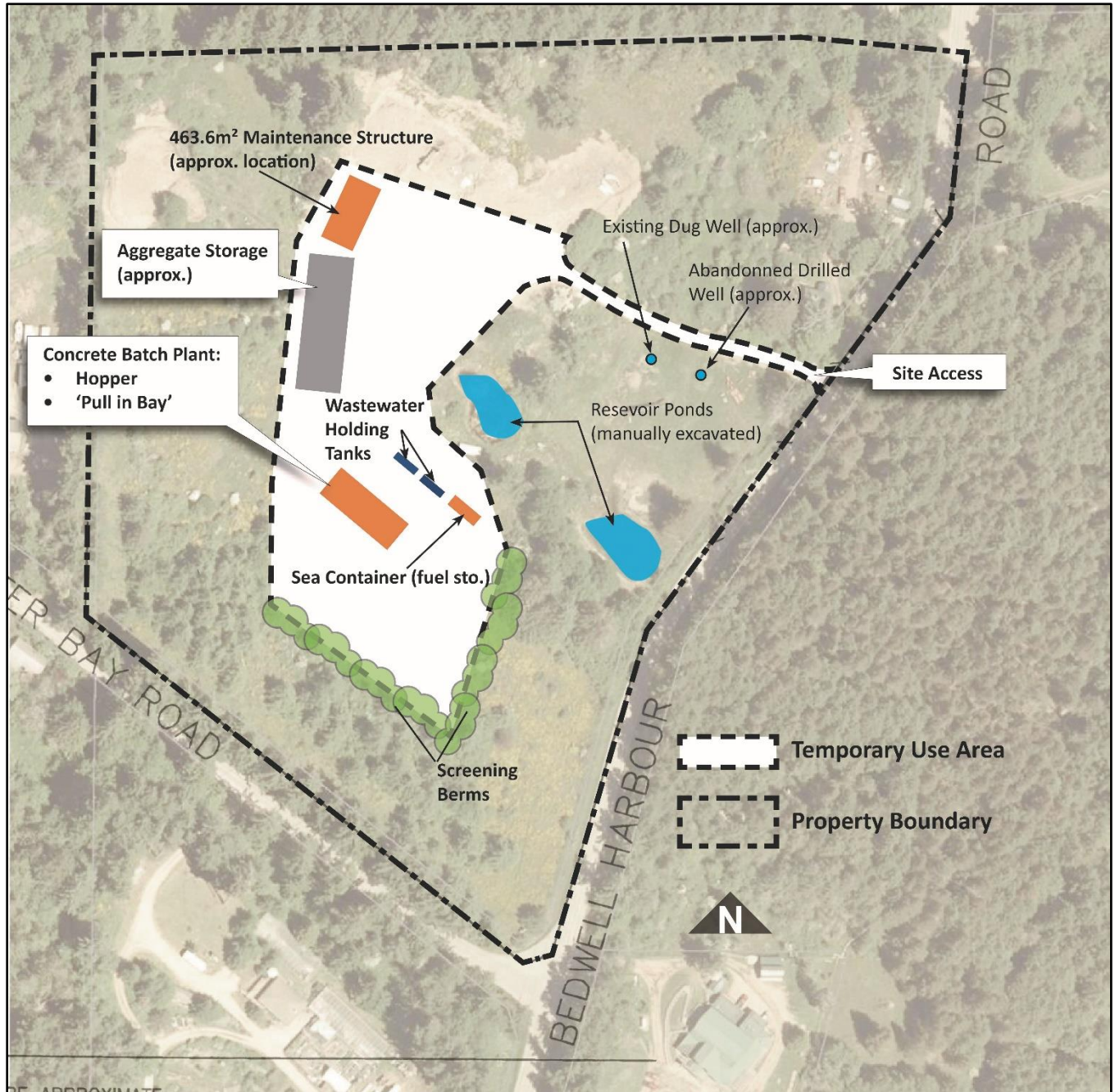
The deadline for receiving correspondence was 4:30 p.m. on January 21, 2020.

First Nations

Consideration should be given to mitigate adverse environmental impacts that may impact Indigenous concerns affecting their lands or resources. It would be advisable for applicants to provide letters of support or concurrence from First Nations governments in the area or notification to First Nation governments of the application.

Noted in Staff Report from January 31, 2019, an Archaeological Impact Assessment (AIA) was contracted by the Local Trust Committee as part of the waste transfer project. The AIA by Stantec Consulting (dated September 11, 2018 – not attached) surveyed the property to determine the extent of archaeological resources and encountered no archaeological resources (including within the mapped site). However, Chance Find Protocols should be in effect for excavations throughout the operation of the permit (see Attachment 4).

Figure 2 –TUP Area and Uses



Rationale for Recommendation

The recommendations on page 1 are supported as:

- Approving the application will allow the use to continue for a limited time of one (1) year under professional monitoring.
- Upon application for renewal the required professional will report on the environmental management plans and whether conditions of the permit have been complied with. If the LTC is not satisfied with that reporting, they can deny renewal and enforcement could be initiated to cease the use.
- The timeframe places a renewal application further along a review of industrial zoning as part of the LTC's OCP implementation project. That can provide more information on the suitability of the site and alternatives when considering a renewal.

ALTERNATIVES

The following alternatives are as follows:

1. Defer the application

The LTC may opt to defer consideration of the permit. If selecting this alternative, the LTC should describe the rationale.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee defer consideration of Temporary Use Permit NP-TUP-2019.5 (Grimmer) for the following reason(s):_____.

2. 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:_____.

3. Amend the TUP and Approve Issuance as Amended

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

Recommended wording for the resolutions are as follows:

That the North Pender Island Local Trust Committee amend renewal Temporary Use Permit NP-TUP-2019.5 (Grimmer) by adding_____.

That the North Pender Island Local Trust Committee issue renewal Temporary Use Permit NP-TUP-2018.5 (Grimmer) as amended.

4. Deny the application

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-TUP-2018.5 (Grimmer).

5. Deny the application and Request a Rezoning Application

The LTC may deny the application and request that the applicant make a rezoning application.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-TUP-2018.5 (Grimmer) and request that the applicant submit a rezoning application for the proposed uses on the subject property.

NEXT STEPS

Submitted By:	Phil Testemale, Planner 2	January 20, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	January 21, 2020

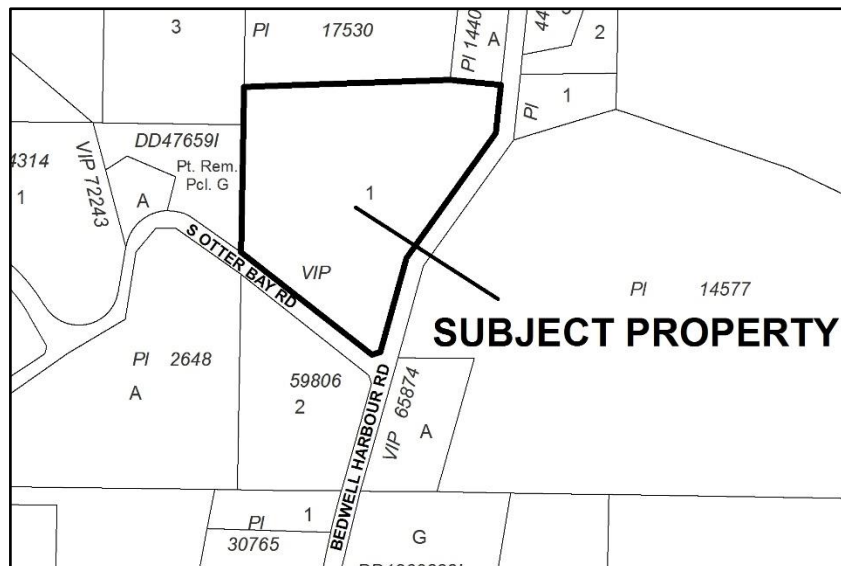
1. Notice
2. Draft TUP-2018.5 (Grimmer)
3. Correspondence
4. Cultural Protocol for Chance Finds and Ancestral Remains

NOTICE

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE (LTC) TEMPORARY USE APPLICATION – NP-TUP-2018.5

Gulf Excavating Ltd. has applied for a **Temporary Use Permit (TUP)** to allow a concrete batch plant operation and excavation business on a portion of the property located at 4415 Bedwell Harbour Road and shown in the sketch map below. The property is zoned **Rural (R)** and the uses would be subject to the conditions in the TUP (attached & online). The TUP is proposed to be issued for up to one (1) year and may be renewed once for up to three (3) additional years.

In order to receive public comment and to provide an opportunity for the public to ask questions of the applicant, a **Community Information Meeting** has been scheduled as part of the regular **Local Trust Committee Meeting** on **Thursday, January 30, 2020**, starting at **10 a.m.**, at the **North Pender Island Anglican Parish Hall, 4703 Canal Road, Pender Island.**



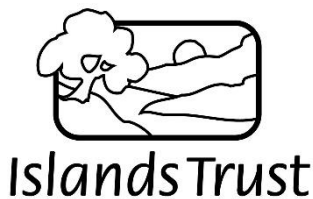
Copies of background documents and the TUP are available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/> and at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. and between 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, from **January 9, 2020** up to and including **January 29, 2020**. Enquiries or written comments will be received before 4:30 p.m. on **January 21, 2020**:

- Phil Testemale, Planner 2: (250) 405-5170 or toll free: Enquiry BC
- email: information@islandstrust.bc.ca

The LTC may consider a resolution allowing for the issuance of the TUP during the regular business meeting on **Thursday, January 30, 2020**.

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.

Carmen Thiel, Corporate Secretary



PROPOSED

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2018.5 (Grimmer)**

4415 Bedwell Harbour Road

To: Barbara and Glen Grimmer
c/o Aaron Grimmer

1. This Permit applies to the land described below:

That portion of:

Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806
(PID: 018-948-421).

Indicated as 'Temporary Use Area' on Schedule 'A' attached to and forming part of this permit.

2. This permit is issued for the purpose of permitting the owner to conduct the following uses and no others in the Temporary Use Area of the property:
- a) A concrete batch plant operation.
 - b) The storage, handling and wholesale of aggregates defined as sand, drainage rock and gravel.
 - c) For certainty, and for the purposes of this permit, handling is defined as blending, but does not include screening, sorting, crushing or washing.
 - d) Storage of motorized and non-motorized vehicles and equipment directly required for the concrete and excavation business known as "Gulf Excavating Ltd".
3. This permit allows the following existing buildings and structures as shown on Schedule 'A'
- a) Buildings and structures accessory to the uses permitted in Section 2. (above) and as shown on Schedules 'A' attached to and forming part of this permit and specified as follows:
 - i. One (1) concrete hopper;
 - ii. One (1) 'Pull in Bay' constructed of concrete 'lock-blocks';
 - iii. Impermeable wastewater holding tanks adequate in number and capacity for wastewater collection and recycling for the concrete batch operation;
 - iv. One (1) fuel storage building ('sea container');
 - v. One (1) Maintenance Structure (fabric/'coverall' type) with a maximum area of 463.6 m² (4990 ft²) and a maximum height of 4.6 metres.

4. The uses may be carried out subject to the following conditions and specifications shown on Schedules 'B', 'C', 'D', 'E' and 'F' attached to and forming part of this permit:

General

- a) The uses permitted in Section 2. (above) may not result in any contamination or degradation of the groundwater aquifers in the vicinity of the subject property or downstream aquatic areas.
- b) All vehicles, equipment, buildings and materials permitted by Section 2. and 3. (above) are to be removed from the site by the date of the expiry of this permit. The removal of screening is not a condition of this permit.
- c) Unless a rezoning application is received by the Islands Trust, upon the expiry of this permit, the Temporary Permit Area of the property shall be remediated to return to the condition prior to the commencement of the concrete batch plant operation in 2016.
- d) The maximum volume of concrete produced each month is limited to 382 m³ (500 yd³)
- e) The maximum volume of aggregates stored on site is limited to 2294 m³ (3000 yd³).
- f) Storage and use of motorized and non-motorized vehicles and equipment accessory to the uses permitted in Section 2. (above), and motorized vehicles are further limited as follows:
 - i. Two (2) dump truck;
 - ii. One (1) 'pup' loader;
 - iii. Two (2) 'pup' trailers';
 - iv. Three (3) excavators;
 - v. One (1) Tractor with low-bed trailer, and,
 - vi. Four (4) concrete trucks.

Access and Hours of Operation

- g) Vehicular access to and from the Temporary Use Area shall be restricted to the single access point on Bedwell Harbour Road as indicated on Schedules 'A'.
- h) There is to be no public access to and from the concrete batch plant area of the Temporary Use Area Site.
- i) Hours of operation, including movement of vehicles and equipment, are restricted to between 8:00 a.m. and 4:30 p.m., Monday to Saturday.
- j) Hours of operation may be extended to between 5:00 a.m. and 7 p.m., Monday to Friday exclusively for off-island loads as necessarily determined by ferry schedules and where all reasonable measures are taken to abate noise.

Water and Waste Management

- k) All paved surfaces within the 'concrete batching area' as shown on Schedule 'A' are to be bounded by a 150 mm x 150 mm extruded curb with a minimum reverse 1% grade for wastewater capture and collection in accordance with the specifications shown on Schedule 'B'.
- l) The lined secondary containment area for the wastewater holding tanks is to be lined and maintained with a minimum 45 mil. rubber pond liner.
- m) Surface water not related to concrete production shall be directed away from wastewater collection areas.

- n) Siltation control is to be installed to prevent the release of any suspended materials in surface runoff from the Temporary Use Area within all site ditching as shown on Schedule 'A' and specified in Schedule 'C' attached to and forming part of this permit.
- o) Dust control measures shall be implemented in accordance with the "Recommended Guidelines for Environmental Management Practices for Canadian ready Mixed Concrete Industry" as excerpted on Schedule 'D'.
- p) All waste concrete shall be disposed of through creating concrete "loc-blocks" on site
- q) Aggregates stored on-site shall be contained within areas delineated along three sides with concrete "loc-block" walls measuring a maximum height of two (2) blocks (1.5 m).
- r) Aggregates stored on-site shall be covered with secured tarps in good condition to prevent leachates caused by rainfall.

Hydrocarbon Management

- s) Storage of chemicals and fuel is to be contained in corrosion-resistant tanks securely anchored on flat surfaces.
- t) Storage of chemicals and fuel is to be contained in a locked, weather protected (roofed) structure ('sea container') with a 15.25 cm (6 in.) "kick plate" as shown on Schedule 'A'.
- u) Containment for chemicals and fuel within the seacan is to be contained in a lined cell providing a minimum of 120% of the volume of stored liquids.
- v) Emergency spill kits are to be provided at all areas where chemicals and/or fuel is stored.

Screening

- w) The south and east perimeters of the Temporary Use Area are to be screened by earthen berms.
- x) The berms are to be roughened and contoured to an angle of 3H:1V to prevent runoff.
- y) All surface areas of the berms are to be planted with indigenous grass and shrub species within (6) months of the date of issuance of the permit in accordance with Schedule 'F'.

Environmental Management Plan and Reporting

- z) The uses permitted in Section 2. (above) shall conform to all operational methods, environmental mitigation measures, best management practices and environmental monitoring requirements contained in the "Environmental Management Plan" ('EMP' - Islander Engineering Ltd., October 2019) and submitted to the Islands Trust, Victoria Office on October 3, 2019.

Monitoring

- aa) The 'Monitoring Environmental Consultant' shall be Islander Engineering Ltd. or a qualified professional licenced in the Province of BC with relevant experience in Environmental Management and hydrogeology.
- bb) The Monitoring Environmental Consultant shall prepare and submit to the Islands Trust a monitoring report on adherence to the 'Environmental Management Plan' within one (1) year of the issuance of this permit, and that report shall include a completed checklist as shown on Schedule 'E', attached to and forming part of this Permit.

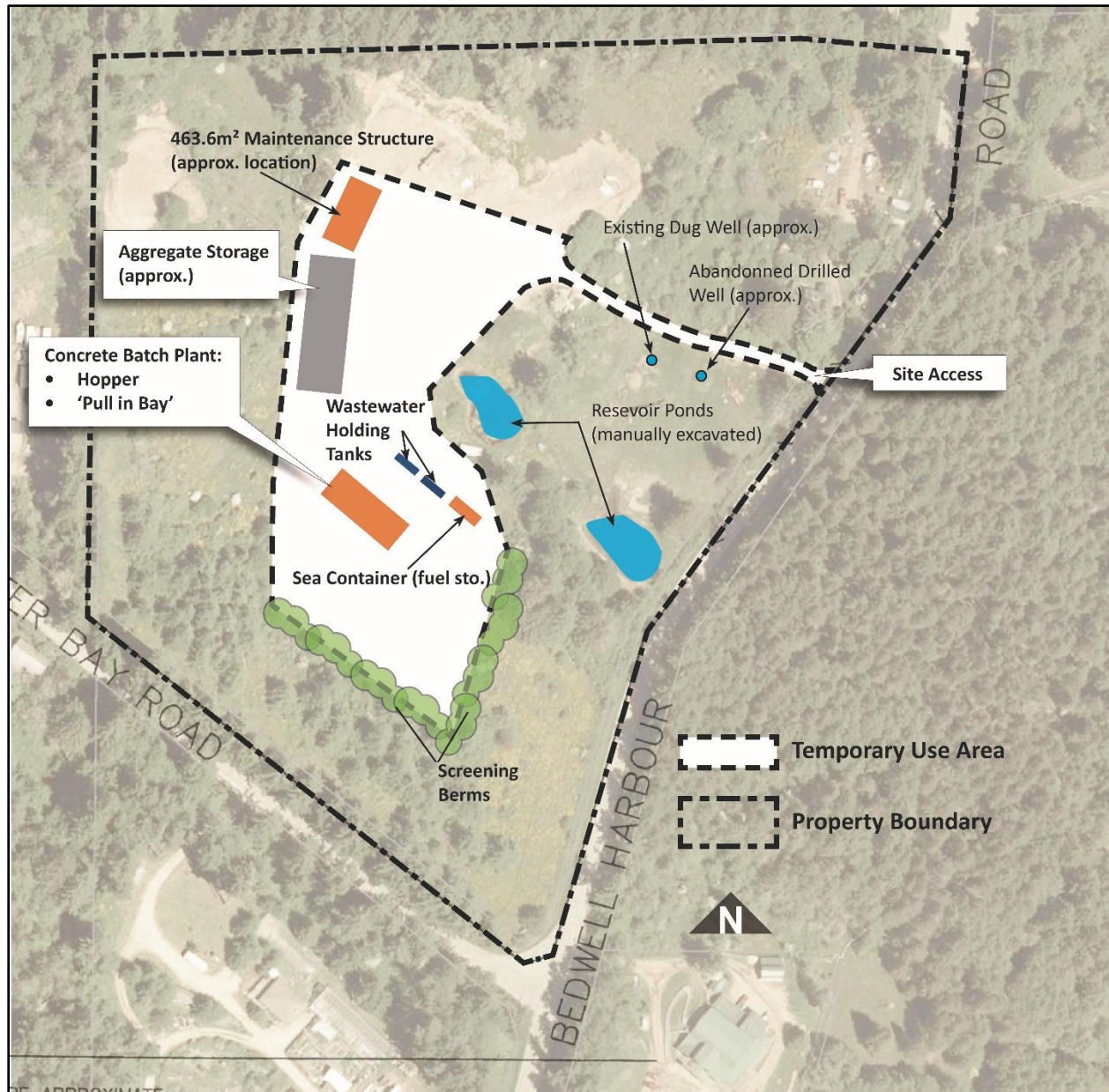
- cc) The Islands Trust Bylaw Enforcement Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit for the purpose of investigating a complaint.
5. Pursuant to Section 502 of the Local Government Act, the Local Trust requires security to ensure that any damage to the natural environment resulting from the contravention of a condition of this permit is corrected:
- a) Where the Local Trust Committee considers that a condition in the permit has been contravened resulting in damage to the natural environment, the Local Trust Committee may undertake and complete the works required to correct the damage to the natural environment, at the cost of the permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the permit holder.
 - b) Any interest earned on the security provided under Condition 5.c.i shall accrue to the permit holder and be paid to them immediately on return of the security or, on default, become part of the amount of the security.
 - c) The security provided by the permit holder shall be in the form of:
 - i. An irrevocable letter of credit with a clause for automatic renewal, or cash equivalent;
 - ii. Payable to the Islands Trust; And,
 - iii. In the amount of \$10,000.00
 - d) Where the use authorized by this permit has ceased; or a rezoning application has been received by the Islands Trust; or the permit has expired and the use on the land ceased prior to commencement of any work pursuant to this permit, the security shall be returned to the permit holder, minus any funds still required to satisfy the Condition 5.a of this permit, provided that the conditions have been met.
6. 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.
7. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996", and for regulatory compliance and requirement to obtain other approvals necessary for the proposed uses with other authorities including the Provincial Ministry of Environment, Ministry of Transportation and Infrastructure, Capital Regional District, or Island Health.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF MONTH, 201X.

Deputy Secretary, Islands Trust

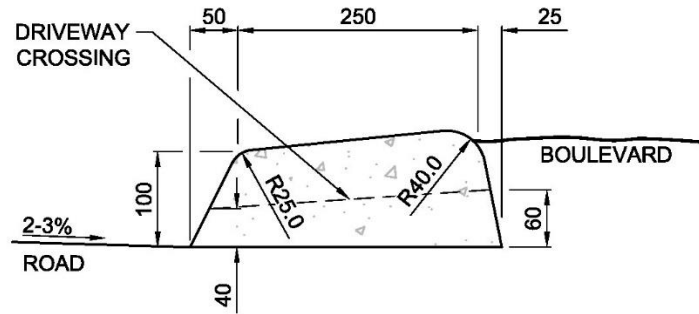
Date Issued

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2018.5
SCHEDULE 'A'
SITE PLAN

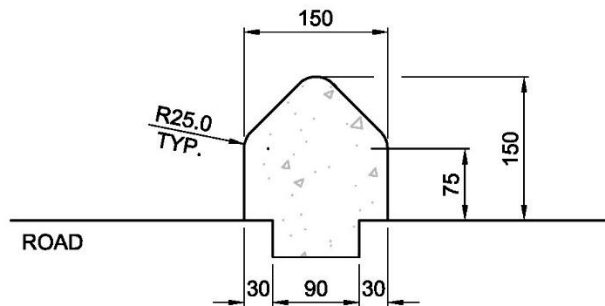


NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2018.5
SCHEDULE 'B'

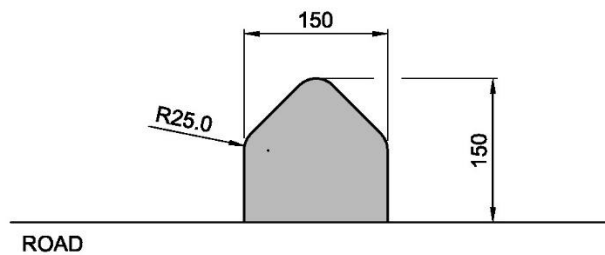
CURB CROSS SECTIONS



TEMPORARY CONCRETE CURB 1



TEMPORARY CONCRETE CURB 2



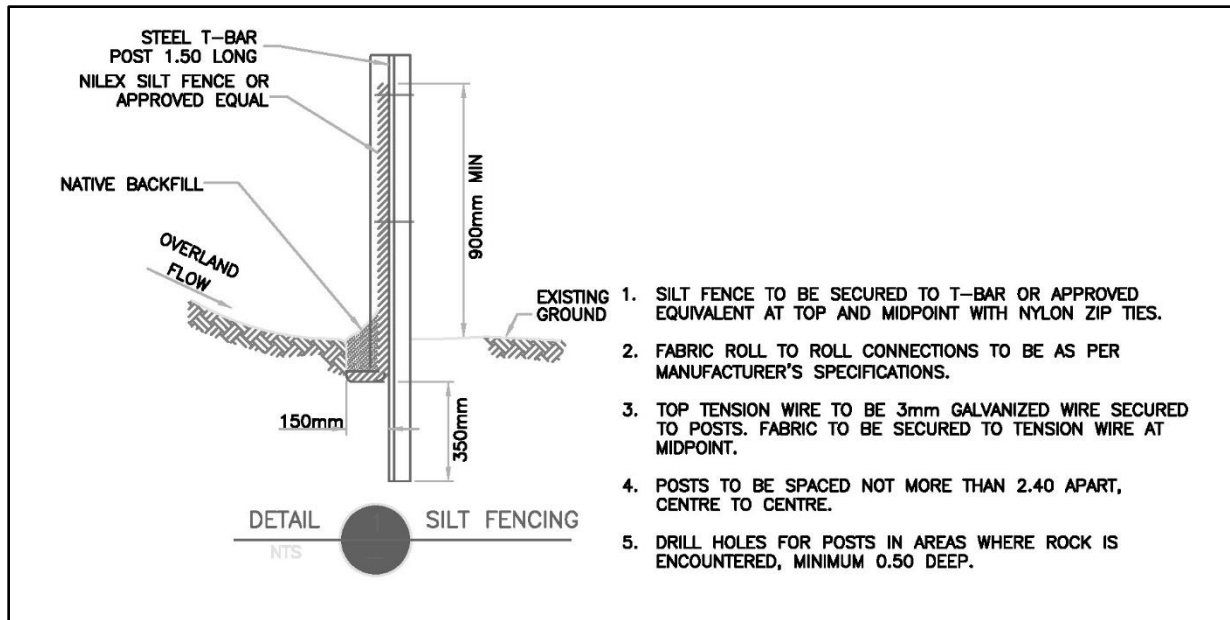
TEMPORARY ASPHALT CURB

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-TUP-2018.5

SCHEDULE 'C'

SILT FENCE SPECIFICATIONS



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-TUP-2018.5

SCHEDULE 'D'

DUST SUPPRESSION

MINIMIZING SOURCES FOR DUST EMISSIONS – Excerpted from ‘Recommended Guidelines for Environmental Management Practices for Canadian Ready Mixed Concrete Industry’

The plant manager’s air quality management program should address the following objectives:

- Identify all sources for dust emissions that are released into the atmosphere from the plant and property by plant operations.
- Collect airborne particulates from point source dust emissions through air filtration mechanisms where practical.
- Suppress the airborne particles from fugitive source dust emissions generated from the plant and property site.
- It is important for any air quality management program to also consider local climatic conditions for the plant site, with consideration for prevailing wind directions, average daily temperatures and seasonal precipitation.

Batch Plant Operations

The handling or transfer of aggregates and other raw materials into or within the batch plant can help minimize and eliminate batch plant dust emissions. Some alternatives for minimizing dust emissions from batch plant operations:

- Fine tune the batching sequence to deliver a smooth, controlled flow of raw material into the plant mixer
- Consider covers or partial enclosures for elevated conveyors into plant
- Enclose or shield aggregate storage areas and transfer points

Aggregate Storage and Handling

The storage or handling of aggregates and any other raw materials around the plant site can help minimize and eliminate plant site dust emissions. Some alternatives for minimizing dust emissions from aggregates storage:

- Consider higher moisture content in aggregates delivered to yard
- Partial enclosures or below grade pads for aggregate stockpile areas
- Minimize exposed surface area of aggregate stockpiles
- Minimize number of transfer points for raw materials
- Minimize drop heights for conveyor or hoppers

Traffic Areas

Some alternatives for minimizing dust emissions from plant site traffic:

- Consider paving or hard surfacing of high traffic areas around yard
- Keep paved or hard surfaced areas clean
- Dust suppression using water or chemical dust suppressants

Diesel Engine Exhaust Emissions

Diesel engine exhaust systems for all fixed and mobile equipment in use at the plant site provide multiple point source emissions. As mixer trucks wait in the yard, it is important to minimize the amount of engine idling time to reduce exhaust emissions and save fuel.

Maintaining correct engine-operating temperatures also helps in reducing exhaust emissions and prolongs equipment life. A regular preventive maintenance program will keep equipment and vehicle engines running at optimal performance. Equipment and vehicle pollution control devices should be included as part of the regular maintenance inspection.

Dust Suppression

Small water droplets, produced by water spray bars, are effective as a dust suppression measure. The dust particles cling to the small water droplets, preventing the dust particles from becoming airborne. Some best management practices for dust suppression:

- Using a water spray bar or spray ring to rinse down the charge hopper at the truck mixer load point.
- Using a water truck with spray bars for wetting down plant yard surfaces and roadways.
- Wetting down aggregate stockpiles using water spray bars or sprinklers.

These best management practices for dust suppression would also require coordination with water management for the plant site and property:

- Using spray bars for dust suppression at aggregate transfer points (e.g., at the end of the conveyor belt which charges the aggregate bins).
- Installing a soaker hose or spray bar at the plant yard entrance for mixer truck wheel wash.
- Water used for dust suppression purposes should not be allowed to mix with surface runoff from the plant property.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2018.5
SCHEDULE 'E'

Checklist for Compliance with Environmental Management Plan (Islander Engineering, Oct. 2019)

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

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

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

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

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

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
6. CHEMICAL AND PETROLEUM HYDROCARBON MANGEMENT		
6.2 Storage and Handling		
- Concrete additives are currently stored within manufacturer containers within a covered, plastic sheet-lined secondary containment structure at the top of the batch plant.		
- Mechanical fluids (oils / waste oils) are stored within a transportation seacan with a welded lip at the entrance, which provides secondary containment to small jugs of hydraulic fluid within. Waste oil is stored within an above ground storage tank within a separate plastic sheet-lined cell within the seacan.		
- Fuel is stored within fuel tanks and tidy tanks aboard various vehicles and equipment throughout the Site. There is no bulk fuel storage on Site		
Best Management Practices		
- Locate storage facilities away from high traffic areas, with reasonable protection from vehicle / equipment damage;		
- Provide storage areas with a means (i.e., lock and key) to control access to the materials so that only authorized (e.g., trained) personnel may remove and use the materials;		
- Ensure tanks are corrosion-resistant and stable / anchored securely on a flat surface;		
- If possible, store drums and pails of related products in same area;		

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

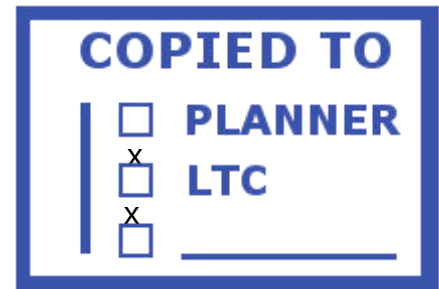
CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
7. SPILL RESPONSE AND PREVENTION		
7.1 Spill Response		
- Spill Response Steps reviewed by all staff (pp. 14 -16)		
- Spill Response Steps posted in appropriate areas		
7.2 Spill Response Equipment		
- Standard Spill Kit		
- Vehicle Spill Kit		
7.3 Spill Prevention (BMP)		
- Equipment is to be inspected daily to ensure that it is leak-free and functioning as intended. All fuel/oil caps will be manually checked to ensure that they are tightened down. Equipment will be tagged out of service if found to be leaking. Servicing of equipment that is absolutely necessary on-site is to be done within containment areas (i.e., bermed or otherwise isolated) or at an appropriate work yard operated by the contractor or his supplier;		
- Equipment or machinery found to be leaking will have containment trays/buckets placed under drips/leaks that cannot be stopped (e.g., cannot be drained into an appropriate container), will have absorbent pads wrapped around leaky connections or placed under areas where a tray or bucket cannot be fitted, etc.). The person identifying the malfunction or accidental leak will notify the foreman or site supervisor, who will arrange repairs or transport off-site, and/or mechanic, if on site.		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- All workers/operators will be responsible for cleaning up observed leaks and/or wiping down equipment, even if the leak or spill is non-reportable.		
- Grease and oil required for maintenance will be properly applied. Excess will be cleaned up and disposed of in an environmentally appropriate manner, as will all containers, lids, and contaminated cloths and applicators.		
- During fuelling of larger compressors, light plants, etc., a portable drip tray lined with absorbent pads will be placed under the fuel tube and cap area. Absorbent pads will be used to wipe off any drips on the fuel spigot or side of equipment.		
- Jerry cans will be stored within a sealed tool box tray with lid or other suitable storage locker with ventilation, and placed in a containment tray when outside of the storage container.		
- When heavy machinery is not in use (i.e., overnight, weekends, or idle for the day), a portable drip tray will be placed under the main engine compartment.		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Fire extinguishers and other emergency response equipment and supplies will be kept in known and visible locations and access to them will not be blocked by other materials or equipment. A list of emergency contacts will be posted at predetermined, accessible and visible locations, as well as kept with the emergency response equipment. By law, fire extinguishers are routinely inspected and certified, as is other fire-suppressant equipment and materials.		
- Waste oil or materials will be removed from site as soon as possible in accordance with Transportation of Dangerous Goods requirements and the BC Special Waste Regulations.		
- The Emergency Spill Response Plan will be implemented when required.		
- The Emergency Spill Response Plan will be posted on-site, and all personnel made aware of its content and location of response materials, as well as emergency contact names and numbers.		
- Oil spill response materials and equipment, such as absorbent pads, booms and leak proof containers, will be kept on-site in sufficient quantities and in an easily accessible location to contain and clean up the amount of fuel, oil or other petroleum hydrocarbons used/stored on site.		

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

From: John A <[REDACTED]>
Sent: Monday, January 13, 2020 11:08 PM
To: information <information@islandstrust.bc.ca>
Subject: letter to Island Trust re mcdonald farm



To Island Trust

Jan 13 2020

From John Aftias

The property next to mine the mcdonald farm is running a mining operation , this property is located next to our community center and pre school and library . The loud banging crashing noise from there is non stop for days during spring and summer . The property is a mess , shale is being removed . Where is the fill going to come from to fix this , its going to cost more to replace the void than what they get for the shale . Now they are running a cement plant , more noise . They are using a loop hole to start production at 5 am in the morning to catch a 7 am ferry . How would you like being woken up at 5 am . The noise coming from there wakes me up I cant get back to sleep , I have to sleep with our windows closed now . At the last meeting, limiting the days of pre 8 am operations was brought up , This would make life on Pender a little better for us . If you can limit the early starts to a couple of fixed days I would know when to keep our windows closed . Getting woken up is affecting my health why are our property rights worth less than theirs . We are 100 percent against the TUP, its a shame to see what has happened to the mcdonald farm.

John Aftias



Cultural Protocol for Chance Finds and Ancestral Remains within Islands Trust Area

Purpose:

The purpose of this protocol is to provide culturally relevant guidelines to the Islands Trust in cooperation with the Province of British Columbia, the Archaeology Branch, archaeologists (academic, cultural resource management or otherwise), other agencies or individuals and the public, as to the procedures for handling human remains within First Nations treaty and traditional territories. This is to facilitate the culturally appropriate and respectful treatment of these remains.

Mandate:

The Islands Trust Area is located within British Columbia, Canada, and anyone undertaking land-altering activities in areas of known and recorded archaeological or variable archaeological potential should be adhering to the Heritage Act, Island Trust by-laws, other agency and government permitting, and all legal requirements related to land alteration. Chance finds outside of archaeological sites require work to stop to allow for assessment and protection of the area.

Authority:

First Nations within the Islands Trust Area represent the cultural and heritage interests throughout the Trust Area.

Procedures:

The following steps will apply in cases where ancestral remains are found in unexpected situations (e.g. construction of buildings or renovations, building of roads, natural erosion, ground disturbance or alteration) or during archaeological projects or studies under, or not under, a First Nation cultural and heritage permit.

A. Unexpected Discoveries

In cases where the First Nation is notified that ancestral remains are discovered by chance, the following shall apply:

1. The First Nation Lands and Resources Department or Council or Band Manager/Administrator must be notified immediately.

2. The coroner's office and local policing authority must be notified.
3. Representatives from the First Nation (contact determined by First Nation) and the coroner's office will determine whether the find is of contemporary forensic concern. The Archaeological Branch and/or archaeologists can offer advice on such matters.
4. If the remains are of First Nation/Indigenous ancestry, and are under no immediate threat or further disturbance, they will not be excavated or removed, unless determined otherwise by the First Nation.
5. If the remains have been partially or completely removed, the First Nation will facilitate their removal or mediate the situation.
6. If the remains are under threat, removal under the authority of the coroner, police authority and First Nation will coordinate removal.
7. If desired, the First Nation may allow for a qualified physical anthropologist, or archaeologists with training in human osteology and First Nation handling of ancestral remains, to assess the found remains in order to implement conservation measures.
8. Any analysis of ancestral remains must be limited to basic recording and in field observation until representatives of the First Nation arrive at the site.

B. Permitted Archaeological Projects

In cases where ancestral remains encountered in the course of project under a First Nation cultural and heritage permit, the First Nation must be contacted immediately.

1. Extreme care and respect for ancestral remains is required. If uncovered, they must not be removed, but left in place. For any reason they are removed, they must be placed in a clean handkerchief or blanket, placed in a solid box with cedar boughs.
2. The field director or permit holder must contact the First Nation and seek advice on how the ancestral remains should be handled.
3. The First Nation will determine the disposition of the ancestral remains.
4. Any analysis of ancestral remains must be limited to basic recording and in field observation until representatives of the First Nation arrive at the site.

Contacts at Islands Trust include Local Trustee and Senior Intergovernmental Policy Advisor, Victoria Office lwilcox@islandstrust.bc.ca or (604) 348-6885.



DATE OF MEETING: January 30, 2020

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Report subject: Renewal of Temporary Use Permit for Short Term Vacation Rental
Applicant: Garnet Coburn and Zoe Lawndale
Location: 4753 Bosun Way, North Pender Island

RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee (LTC) approve issuance of renewal Temporary Use Permit NP-TUP-2019.8 (Coburn) for three (3) years.**

REPORT SUMMARY

The purpose of this report is to consider a TUP renewal for a Short Term Vacation Rental (STVR) within an accessory building at 4753 Bosun Way.

The above recommendation for the renewal of the TUP is supported as: the proposed valid time period is reasonable; the application has been referred to the CRD Magic Lake Sewer and Water; the applicants have adhered to the conditions identified in the original permit with no complaints or bylaw infraction reported; there are conditions to ensure the use does not have adverse effects on neighbours and, in the event it does, there is the recourse of enforcement; and, additional conditions for maximum number of guests, water conservation signs and hydro and water meter readings with any new application have been added to the original permit.

BACKGROUND

The application is for renewal of NP-TUP-2016.2 for an STVR use in an accessory building on the subject property in Magic Lake Estates.

The detailed staff report from the original application in late 2016 including background, analysis and maps can be found in the agenda package for the January 26, 2017 and February 23, 2017 North Pender Island Local Trust Committee (LTC) meetings:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/meeting-calendar-agendas-minutes/>

<http://www.islandstrust.bc.ca/media/342272/np-2017-02-23-ltc-ag-pkg.pdf>

The original application had five (5) letters of support and two (2) opposed.

The permit is unique where an accessory building ('cabin') is being rented as a STVR where the property size otherwise would not permit a cottage under zoning. The property is 0.32 ha (0.8 ac) and is zoned **Rural Residential**. A minimum lot size of 1.2 ha is required for a cottage under the zone.

The 26 m² (280ft²) cabin was constructed initially as a temporary dwelling for the owners to live in while building their principal dwelling. Once the dwelling was complete, the cabin was required to revert to an accessory building and not be used for human habitation. The original application was initiated as a result of bylaw enforcement. The applicants suspended the use while their application was in process.

The proposal is consistent with an OCP guideline that was introduced as an amendment to original STVR bylaws in 2017 for this specific situation:

- 6.4.1 The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m², and if the building has received an occupancy permit for residential use under the BC Building Code.

A Certificate of Occupancy from the CRD Building Inspection Department was required in the TUP prior to commencing the use. That was issued on May 12, 2017 and forwarded to the Islands Trust.

The total floor area of all buildings on the property is 135m² as follows:

- Cabin - 26m² (280 ft²)
- Owners house - 77m² (830 ft²)
- Carport/woodshed –26m² (280 ft²)
- Tool shed – 5.9m²(64 ft²)

It is noted that once the current (if a renewal is not granted by the LTC) or renewal lapses, the owners are required to either make a new application or to cease the use and not inhabit the cabin. There have been no bylaw complaints received since the permit was issued.

Consistent with the LTC's Standing Resolution, staff referred the renewal application to the CRD Magic Lake Sewer and Water Committee to confirm infrastructure capacity on December 23, 2020. To date no response has been received. Based on previous responses, the CRD is not likely to object as long as additional wastewater flows are not generated over and above what can be reasonably expected from a rural residential property. Staff notes that the ability for the Islands Trust to monitor and enforce any condition for wastewater discharge is not practical. Based on the size of the cottage and the maximum number of guests and the provision of water conservation information (below), staff estimates that the use is unlikely to exceed that from a permanently occupied rural residential property.

The rationale for the renewal is that the STVR use is noted as an important source of income for the owners (required "...to make ends meet.") as well as providing a service for island visitors

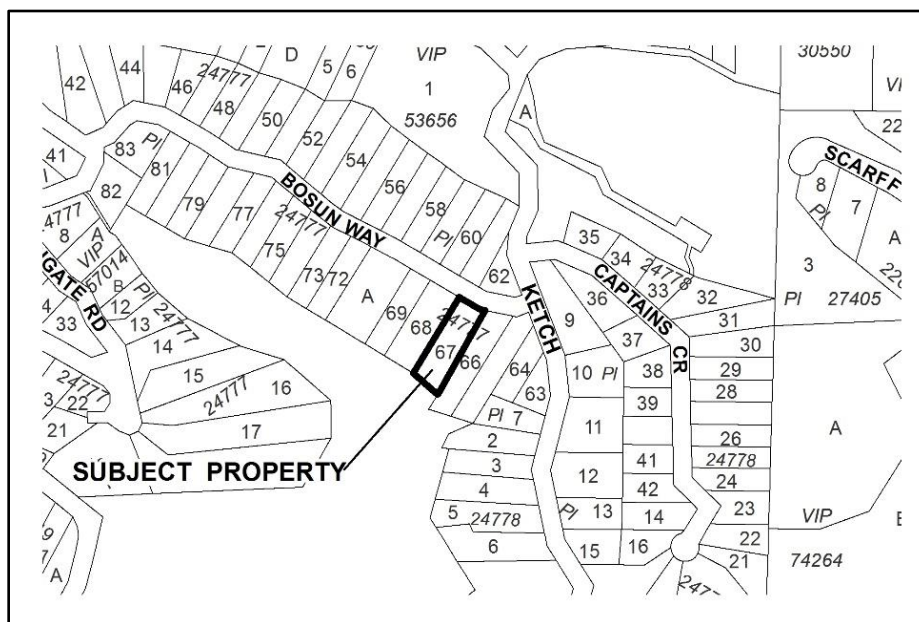
The applicants were sent an e-mail on December 24, 2019 requesting the applicants confirm that they have complied with the requirements of the TUP, particularly the requirements to notify neighbours and provide

contacts. In addition, they were requested to provide information on water conservation measures and a copy of the information given to guests.

In response they supplied they confirmed that they have met all conditions, and supplied their guest information package (Attachment 3) and the following on water conservation: They have 'Please Be Waterwise' in the bathroom of the cottage (Attachment 4); the bathroom has a low flush toilet and water-saving shower head. The landscaping uses native species, extensive ground cover and all landscaping is on a micro-irrigation system. The maximum number of guests is two (2).

They estimate that they are present when renting the cottage 98% of the time and they do not rent when they are away.

Figure 1 - Subject Property



Statutory Requirement - Notification

There is no requirement for notification with a renewal permit.

First Nations

At this time Temporary Use Permit applications and renewals related to occupancy do not raise concerns related to Local Trust Committee Standing Resolutions on reconciliation.

Rationale for Recommendation

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

- the proposed valid time period of three years is reasonable given the administrative implications of shorter time frames;

- the application has been referred to the CRD Magic Lake Sewer and Water Committee with no response received at the time of writing;
- the applicants have demonstrated that they have adhered to the conditions identified in the original permit and there is no record of complaint or bylaw infringements over the term of the original permit;
- 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; and,
- Conditions for water conservation signs and hydro and water meter readings with any new application have been added to the original permit as well as a maximum number of guests.

ALTERNATIVES

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Amend the TUP and Approve Issuance as Amended

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

Recommended wording for the resolutions are as follows:

That the North Pender Island Local Trust Committee amend renewal Temporary Use Permit NP-TUP-2019.8 (Coburn) by adding_____.

That the North Pender Island Local Trust Committee issue renewal Temporary Use Permit NP-TUP-2019.8 (Coburn) as amended.

3. Deny the application

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-TUP-2019.8 (Coburn).

Submitted By:	Phil Testemale Planner 2	January 15, 2020
Concurrence:	Robert Kojima, RPM	January 17, 2020

ATTACHMENTS

1. Proposed renewal NP-TUP-2019.8 (Coburn)
2. TUP Map
3. Guest Information
4. 'Waterwise' signage



Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT NP-TUP-2019.8 (Coburn) RENEWAL OF NP-TUP-2016.2 (Coburn)

TO: Garnet Bruce Coburn and Zoe Landale

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

That portion of: Lot 67, Section 10, Pender Island, Cowichan District, Plan 24777, indicated on Schedule 'A' as the Subject Area attached to and forming part of this permit.

PID: 002-815-869; Civic Address: 4753 Bosun Way, North Pender Island

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

2. This permit is issued for the purpose of allowing the following uses in the subject area:
 - a) "The use of an accessory building (cabin) 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."
3. The use shall not commence until a Certificate of Occupancy from the Capital Regional District has been issued and a copy has been submitted to the Islands Trust planning office.
4. The uses may be carried on subject to the following conditions:
 - a) The commercial accommodation use shall not alter the residential appearance of the property.
 - b) The owner must provide parking for a minimum of two vehicles on the property.
 - c) Advertising is restricted to one unilluminated sign, with a maximum area of 0.6 m².
 - d) 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.
 - e) 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.
 - f) The maximum number of guests is limited to two (2);
 - g) The owner must 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.
 - h) The total floor area of all buildings on the property must not exceed 185 m².
 - i) The existing landscaping, screening, and fencing must be retained.

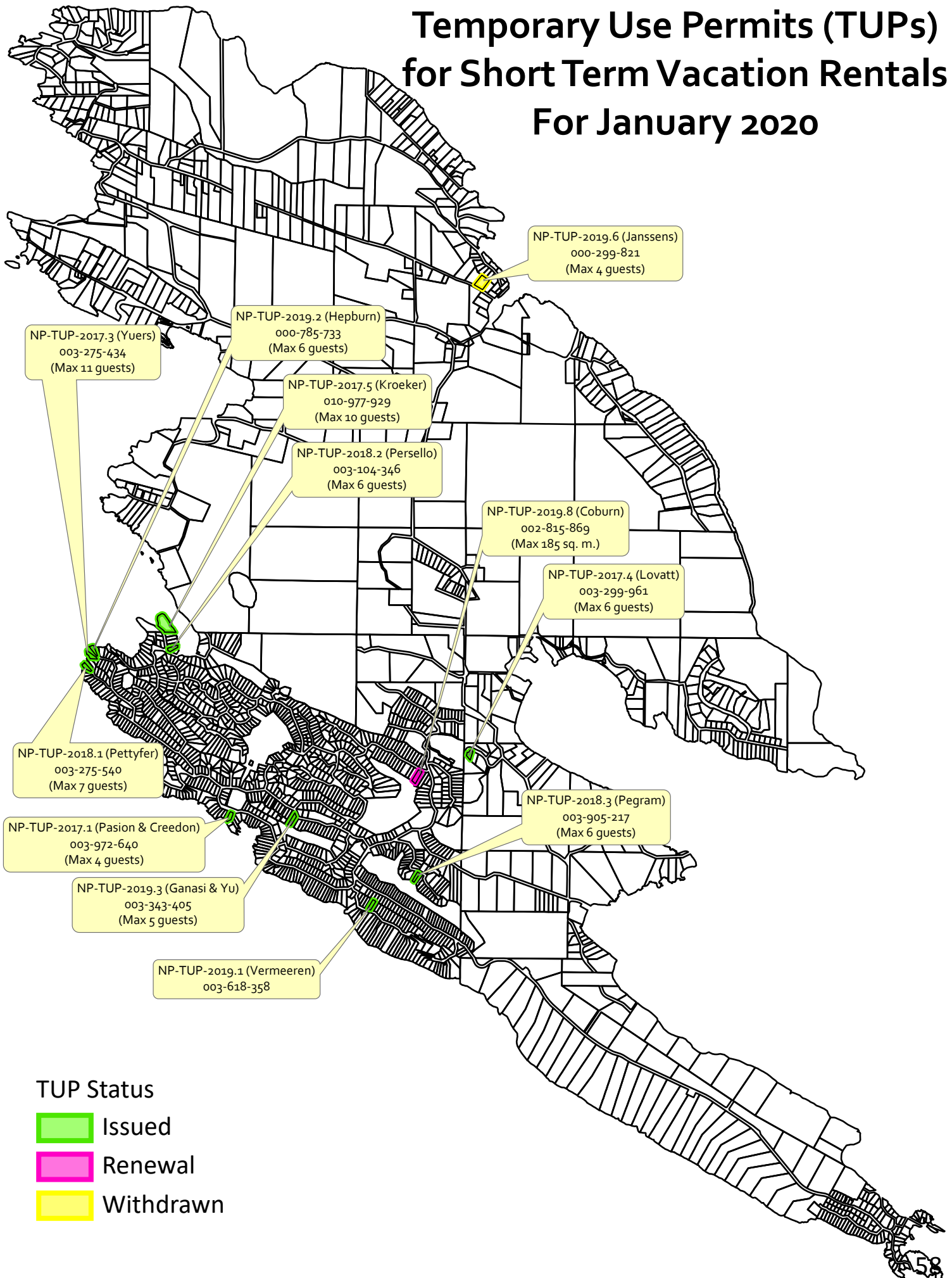
- j) The property owner or operator must post permit information and the name and a contact number for the on-island contact person at the entrance to the house.
 - k) Camping and occupancy of recreational vehicles is prohibited.
 - l) All outdoor fires are prohibited.
 - m) That an application for any new permit include hydro and water metre readings for the term of the TUP.
 - n) That water conservation signs be posted at all water sources.
4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust unless the permit is renewed by resolution of the North Pender Island Local Trust Committee.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996," and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Vancouver Island Health Authority and Ministry of Transportation and Infrastructure.

**AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS
##srd DAY OF FEBRUARY, 2020.**

Deputy Secretary, Islands Trust

Date of Issuance

Temporary Use Permits (TUPs) for Short Term Vacation Rentals For January 2020



North Star Cottage, updated December 2019

Your address is 4753 Bosun Way, Pender Island, BC V0N 2M2
 (The closest cross street is Ketch.) Your hosts are Garnet Coburn and Zoe Landale.
 Landline, 250-629-0026
 Cell, 250-539-0701
 In the unlikely event we are off-island and you experience a problem, call Bill Thwaites at 250-629-9983. Please contact us first, though!
 Network name: Foxglove
 Password: landale0026

In summer on our very dry Gulf Islands, the fire risk is high. Absolutely no open fires are permitted. Please be very careful with lighters, matches, candles. You'll notice a fire extinguisher mounted next to the stove. Don't hesitate to use it if necessary, or to call 911 if you spot a fire.

This is a residential neighbourhood. Please respect our neighbours and keep the noise level low.

Insiders' guide to Pender Island

Relax You're on Pender Time! <http://pendertime.com/>
 Opening and closing times for all island businesses.

Pender Island Health Center

5715 Canal Road
 250-629-3233
 This is not a walk-in clinic, but is available to visitors for medical emergencies.

Grocery stores

TruValu at the Driftwood Center

Southridge Natural Foods, Port Washington Road. This is also a pleasant place to stop for an ice cream bar or a cold drink on the patio.

Medicine Beach store is best used for emergencies. They don't carry much.

Pubs

The pub at **Port Browning Marina Resort** has a great outlook over the water. The patio is recommended.

Poet's Cove Resort on South Pender. Great views. Water-view patio.

Liquor stores

Medicine Beach liquor store
 LCB, Driftwood Center

Things to do

Saturday Farmers' Market, 9:30 – 1:00 at the Community Hall grounds. Do try some of Etienne's croissants. They're terrific! At a different stand, Alison makes awesome cashew cream cheese.

Renaissance Studio on Port Washington Road. Amazing selection of glass/silver necklaces and earrings, designed by Milada and manufactured for her in Prague. Also European art originals and fine Persian rugs.

Seastar Vineyards, Razor Point Road. They've won awards for their wine; some selections have been completely sold out to top restaurants in Vancouver. Wine tasting. During summer months, there's usually an art opening 4:30-7:00 on Fridays. On weekends a high quality food truck is attendance at Seastar for snacks. Check the Pender Post for times.

Twin Islands Cider

Address: 5601 Lupin Rd (off Razor Point Road)

Delightful to go have a cider tasting,

Tasting room hours in April, Saturday 12-4 or by appointment, info@twinislandcider.com, <http://www.twinislandcider.com/new-page>

Hope Bay

Red Tree Gallery, the Goldsmith upstairs, Pender Chocolates, Gather Teahouse and Stage. Pender Chocolates is a delightful place to have a coffee and a couple of freshly-made chocolates. Maybe even bring some home with you for a gift!

Nu-to-Yu. This community thrift store is well-patronized. The prices are ridiculously low and quality is often high. Locals queue for the 10:00 a.m. opening on Friday morning. If you miss that, it's open on Saturday as well.

Magic Beach swimming area and dock. Accessed off Pirates Road. The trail is on your left and clearly marked. Wonderfully refreshing. Two minutes drive away. A couple of picnic tables and places to spread out towels or folding chairs.

Pender Island Kayak Adventures, Browning Harbour. Choose from a variety of tours, lessons, rentals. Good fun!

Dog Mermaid Eco-Excursions at Otter Bay Marina also offers adventures, kayaks, tours, rentals, plus yoga on paddleboards.

White Tara Healing Arts and Spa. Day spa and massage, Hope Bay.
(250) 629-3229

Talisman Books and Gallery, Driftwood Center. Excellent selection of local crafts. quality toys for kids, puzzles, books. Lots of local art.

Island Girls Boutique, Driftwood Center. This is not just another clothing store. The owner, Charlene, designs the charming, quirky clothing, and has it made for her in Vietnam. A lot of natural fabrics; her clothes feel wonderful on. Affordable prices. Her earrings are also designed by the owner and, I think, quite lovely.

Pender Island Golf course. A public golf course that both locals and visitors really enjoy. <http://www.penderislandgolf.ca/>

Ridgeview Studio, Sandy Shreve: Writer, Editor and Visual Artist

37163 Galleon Way

Photo art, Acrylic paintings, Art cards, Books (poetry) Open most days during the summer; drop-ins welcome (look for the 'open' sign) or call ahead: [250-629-9983](tel:250-629-9983).

BookEnd Studio

Altered Books, Fantasy Furniture and Mixed Media

Plus children's books.

By appointment.

Phone: Andrea Spaulding [250 629 2047](tel:250-629-2047)

Address: 1105 Ogden Rd

Blood Star Gallery. Features the work of Susan Tait and Frank Ducote, two very accomplished artists. Two minutes walk from Brooks Point Park on South Pender. Open most days April to November, 11am to 4 pm. 9909 Jennens Road.

Monday Morning Dog Swim Club, meets down at Mortimer Spit, 10:00 a.m.

Friendly, happy dogs, mainly Golden Retrievers and labs who swim after balls. Dogs are welcome to bring their people.

CRD Dog park. This is open seven days a week, with the exception of Monday morning, which is reserved for large reactive dogs ONLY. Visitors and their dogs welcome. Do bring plastic bags; there are none available. Location is a corner of the Danny Martin ballfield, which is just down Ketch from the cottage. The dog park is in the far, fenced-off corner with the wood chips. *Note:* no dogs in heat allowed, and there is no access to the dog park during ball games. Be mindful of houses nearby and keep the noise level down.

Places to eat

Woods on Pender (aka Coffee Kitchen) is good. Located between Medicine Beach and the Driftwood Center, two minutes drive from our cottage. The restaurant is an adjunct to the upscale “glamping” they offer with retro Airstream trailers. Visitors most welcome.

Woods specializes in cocktails and have a games room upstairs. Portions are small but tasty. Prices are reasonable, and there always gluten free options. Excellent gf pizza baked in separate oven.

Camp Truck serves coffee and other options from 9:00 – 3:00.

In April, open for lunch and for dinner Thursday through Sunday. Reservations necessary.

250.629.3353. **Do check website for updates** as sometimes Woods only serves guests. <https://woodsonpender.com/coffee-kitchen-restaurant/>

Jo's Place in the Driftwood center is popular with islanders. Burgers are great. Portions large. Some gf options available. Best place on the island for breakfast!

The Vanilla Leaf Bakery at the Driftwood Center has lots of casual lunches. They make breakfast buns. A real meeting place.

Gather Teahouse Eatery and Stage at Hope Bay. Lots of local ingredients and a patio with a view over the water. <https://www.facebook.com/GatherPenderIsland/> Some excellent music if you're on Pender on a concert night. In winter, they are only open when there's a concert.

Syrens Bistro and Lounge at Poets Cove on South Pender is a great place to go for a drink on the outside patio over looking the water. The pub-style food is good this year. Delightful place to hang out with friends. (CLOSED FOR THE WINTER)

Aurora Restaurant at Poet's Cove features fine dining and a great view. Very very good food! (CLOSED FOR THE WINTER)

Port Browning Marina Pub and Bistro has classic bar food. This can be uneven. But an awesome place to have a drink on the patio.

Bridgeman's Bistro is the fancier restaurant associated with Port Browning. <http://www.portbrowning.ca/bridgemansbrowning>

Slow Coast Café at Medicine Beach has the best coffee and lattes on the island. They carry an assortment of excellent gluten free baking with a couple of modest lunch options.

Penderosa Pizza in the Medicine Beach shopping area is okay. It's takeout. They have gf pizza as well. The cook there suggests for gf folks, the vegetarian pizzas are the best options. Friends like the take-out lasagne.

El Faro at the Pender Island Golf Club. Serves lunch. Hours: Tuesday through Saturday 11:00 – 4:00. 250-951-6224. People talk about their fish tacos.

Southridge food truck, aka Café at Large. Chef Amanda does good lunches; you'll notice the local tradespeople eating there.

Beaches

North Pender

Medicine Beach is the closest to North Star Cottage and one of our favourites. A family of otters lives to a beach on the left.

Do walk up the bluffs on the left hand side. It's short and comes to a nice viewpoint with a bench. At low tide, you can walk around to the right hand side on Medicine Beach and get around to a sweet beach with small gravel that's usually deserted. Not that Medicine Beach is often exactly crowded!

Roesland is a park reached by way of South Otter Bay Road. It has a marvelous island accessible at low tide with lots of orchids in the spring. Great bench at the end of the trail to sit and look out at the water. Look for otters.

Shingle Bay Park is accessed by South Otter Bay Road. Take the turnoff to the left for Roe Lake. Pass Roe Lake access to your left. Park there and walk down. It's a steep hill for kids but a great beach at the end. Be careful not to block the road, or out in the middle of nowhere, you may end up with a parking ticket!

South Pender

Mortimer Spit is just over the one lane bridge that separates North and South Pender islands. Turn left onto the main road. Then, in the rough equivalent to three city blocks, take a left at the marked sign. It's an excellent place for a dinner picnic as the sun stays late there. Chilly for swimming but nice splashing for kids. Great view over to Razor Point.

Gowlland Point on Gowlland Point Road at the tip of South Pender is the most popular beach on the island, and deservedly so. Walk around to your right on the beach and take the metal stairs up the low cliff. Follow the walk along the sea past the light and along the bluffs. This will take you to the beach. Continue on to your right. You will end up at **Brooks Point Park**. You can take a short trail through the meadow back across a boardwalk to the main road. It's a short walk but lovely. Chocolate lilies in the spring. Prolong the pleasure by taking a picnic to the beach. Alternate access: walk in from South Otter Bay Road at the marker for Brooks Point Park and come back via Gowlland. It is, however, harder to scramble down the trail at Gowlland than to go up it. This is the southernmost tip of Pender. You look out on Boundary Pass and the American Gulf Islands. Lots of big container ships.

The Whale Walk is when you continue on to the right at Brooks Point. You can go on for several small beaches until you run into a viewpoint and cliffs where the trail ends. Watch for seals sunning on the little islands and mink on the beach.

Craddock Beach is a neat place to explore rocks and rocky tidepools. It is around three roads north of Gowlland Point. Go down Craddock Road right to the end (only a couple of blocks) and down the steps.

Walks

When you leave the house on a walk, always take a map. Magic Lakes is a maze of confusing streets that takes a while to learn. With a map, you can always orient yourself. A phone with a GPS works well too!

Lively Peak. Turn right on Bosun Way. Go up Ketch. In around three blocks you'll see a sign on the right for Lively Peak. There are three ways to go.

- 1) Easy. Take the marked trail on the left which is fairly flat and will lead you onto Scarfe Road. Walk downhill, turn to the left on the main road, and this will take you to the Driftwood Center. On the main road, walk on the waterside, that's where the (sort of) trail is.
- 2) Easy. ***Emergency egress route from Magic Lake.*** Barred by a yellow metal gate. Highly visible.

- 3) Scenic and moderately strenuous. When you are standing in front of the yellow metal gate, take the less-visible road to the right, which leads to the water tower. Wet or dry, the steep road is very slippery, especially coming back. We return via one of the other routes.

Note: when you get to the top by the water tower, keep on going. There is another viewpoint further on that is excellent. The trail will eventually end at a picnic table to your left. It's a great place to sit and look down to Poets Cove on South Pender. The walk isn't long but it's good cardio and a lovely hit of view at the end. If you walk down from the viewpoint maybe forty feet, you are at the top of Scarfe Road and can walk to the Driftwood Center. The trail and two roads all take a walker to Scarfe Road. Alternately, if you take the easy trail to Scarfe Road and just want to reach the viewpoint, turn right and walk uphill to the picnic table.

Loop, Disc Golf Park, the Heart Trail, Heart Trail extention

From the cottage, come down to the house as if you were coming to the front door, but keep on going down the hill. Go through the Japanese gate and walk toward the left hand side of the property. You'll find the trail entrance under a big cedar. Go down the hill and turn left. Do take a good look at the trail to make sure you can find your way back to our place.

Loop

If you turn right, the trail will come out on Bosun Way. You can turn right on the road and it will take you right back to our place. It's a pleasant twenty-minute stroll.

Disc Golf Course

If you turn left on the trail, you will get to the Disc Golf course in a little over five minutes. If you take the first right, this will put you into the parking lot on Galleon Way at the start of the course. If you take the next right, around by the burnt cedar (maybe a hundred feet further?) this will take you onto the Disc Golf course.

Heart Trail

Continue on by the Disc Golf course. Go by the burnt cedar and and through a part on the trail between two trees. This will take you up some steps eventually and out onto Ketch. Go straight across Ketch and continue on the trail. This will take you to Prior Park Provincial campground, where we loop around and then come back. From our place and back is around an hour. Excellent cardio with several steep hills.

Roe Lake. This is a favourite. Accessible from South Otter Bay Road. It did take us a while to get the hang of how exactly to get around the lake. If you're there at 6:00 a.m. you may see beavers. Bring a map!

Hooson Road A. Go straight to the end and park. Take the trail at the end of the road that goes straight up the hill. At the crest of the hill, go past the trail that will open up to your right. Start to go down the hill. In around fifty feet, look for a tree with worn bark to your left. Take the trail that goes left there. Follow it around to a magnificent view point high up on the bluffs, maybe five minutes walk. You look right over to Saturna. If you reach the vineyard, you've gone too far.

Hooson Road B. Go to end of Hooson and park. Take the trail that is to your right as you face the end of the road. This will take you in a circle around **Mt Menzies Gulf Islands National Park Reserve**.

There is only a difference of maybe a hundred feet between the start of the two trails but they go quite different places. **A** is our favourite.

Hikes

Oak Bluffs, accessible from Pirates Road. Short, steep, great viewpoint. Many people's fave. If you have a dog, leash it near the top: the drop off is thousands of feet.

Mount Norman. Go over the one lane bridge that separates North and South Pender Islands. Turn right. Turn left into the gravel parking lot you'll see in around a block and follow the trail.

Beaumont Marine. Go up the trail to Mount Norman but don't go all the way. Follow the signs to Beaumont Marine. This is a long hike, maybe an hour and a half. You will want to take water with you. A lunch in a packsack could also be great. The beach is so lovely there that I always find it very hard to leave.

You can also access both these places by way of the marked trail further along Canal Road. It's a little less steep. This is the way I prefer.

Places to look at boats

Otter Bay marina

Thieves Bay

Browning Harbour

Poets Cove

PLEASE BE WATER WISE

Pender Island enjoys a sub-Mediterranean climate due to the fact that the southern Gulf Islands lie in a rainshadow of Vancouver Island and the Olympic Mountain range. Our more protected region has considerably less precipitation and a greater quantity of sunshine than other areas.

Pender has a very limited water supply, especially in summer.

Please join us in our efforts to conserve water by doing the following:

In the Bathroom

- Don't let the tap run when face washing, shaving, or brushing teeth.
- Keep showers brief. Please be aware that the hot water heater in the cottage is half the size of a usual domestic water heater. In order to give enough hot water for two people to shower in a row, the temperature has been set to very hot. **Please be careful of the hot water!**

In the Kitchen

- When washing dishes by hand, don't leave the tap running.
- Scrape dishes instead of rinsing them under running water.
- Keep drinking water in the refrigerator instead of running the tap for cold water.

DATE OF MEETING: January 30, 2020

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Warren Dingman, Manager of Compliance and Enforcement

SUBJECT: **Preliminary Report - Temporary Use Permit Application**
Applicant: Mike and Anne Burdett (Pender Island Waste Management)
Location: 4415 Bedwell Harbour Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee direct staff to proceed with Temporary Use Permit application NP-TUP-2019.7 (Burdett)
2. That the North Pender Island Local Trust Committee direct staff to request that the applicant submit to the Islands Trust further information including, but not limited to, a professional baseline environmental assessment of the site including analysis of potential impacts of the use, recommendations for mitigation, and a management plan(s).

REPORT SUMMARY

The purpose of this preliminary report is to provide information on the proposed Temporary Use Permit (TUP) application, outline process alternatives and seek direction from the North Pender Local Trust Committee (LTC) on whether to proceed, or not proceed, with application NP-TUP-2019.7 (Burdett).

The application for a **waste transfer facility** on an approximate 0.66 ha (1.65 ac.) portion of the above-mentioned property.

The above-noted recommendations are supported as the site was selected as 'full service waste transfer' location as part of the land use planning for the LTC's waste management project; proceeding will allow further information to be requested, particularly an environmental assessment and management plan(s) which can provide more certainty to consideration by the LTC on the suitability of the site and proposal, and allow a CIM to be scheduled to gauge community support.

BACKGROUND

The application is proceeding as the applicant's company (Pender Island Waste Management) requires a permitted or zoned site to legally undertake waste transfer. There are currently no properties on North Pender Island that are zoned for a waste transfer facility.

The transfer and sorting for the applicant's operation has until recently been undertaken on the **Industrial 1 (b) - I1 (b)** portion of the applicant's own property at **4606 Razor Point Road**. The only allowable use in that zone is **boat storage** and the majority of that portion is within the provincial Agricultural Land Reserve (ALR).

Since 2012, when they assumed the business, the applicants have applied to rezone for waste transfer (NP-RZ-2012.1); for a non-farm use in the ALR (NP-ALR-2012.1) and a TUP (NP-TUP-2015.1) for waste transfer as an interim measure. The rezoning and TUP applications were initially put in abeyance pending the LTC land use planning for waste management project and subsequently at the continued request of the applicants.

The ALR application was supported by the LTC of the day and forwarded to the Agricultural Land Commission (ALC). The ALC granted conditional support with the primary condition that the site be identified as a waste transfer site as part of the LTC's waste management project. The ALC permission expired on October 11, 2017. The decision was unsuccessfully appealed and in the fall of 2019 the ALC moved to enforcement. That action resulted in a stop work order being posted on January 8, 2019.

Concurrent with this application, NP-ALR-2019.1 was submitted to the Islands Trust for exclusion of the I2 (b) portion 0.36 ha (0.89 ac) and inclusion of the same size area in the Rural (R) zoned portion of the same Razor Point property. The application is not complete, with ALC notification requirements still to be met. The applicants were requested in writing to provide complete information for application within 60 days from January 7, 2019. The applicants have indicated that they have begun to undertake some of the required items.

Given the lack of options for the use on their own Razor Point property, the applicants have made this application for 4415 Bedwell Harbour Road. The subject property was identified as a preferred site as part of the LTC land use planning for waste management project. That was based on criteria further discussed in 'Issues and Opportunities' (below).

It is unknown the extent to which the applicants have explored other locations, particularly land that is currently zoned and/or designated as Industrial.

The proposed area of use is identified in Figure 2 adjacent to the retroactive TUP application for a concrete batch plant and excavation business (NP-TUP-2018.5 (Grimmer)) that is the subject of a Community Information Meeting and further consideration by the LTC at the same meeting.

The application has been placed on the current agenda in consideration of applicant's situation and the importance of the service being provided to the community. Staff has requested the applicant to provide as much information as possible in order for the LTC to consider whether the application should proceed or not. To date the following has been provided:

- Site Plan – The applicant has supplied a Site Plan that has been adapted in Figure 3 and Attachment 2.5
- They are requesting that the use be 'Full Service'. This would correspond to the following definition:

Full service waste transfer: The use of land, buildings and structures for receiving, storing, sorting, compacting and transferring residential and/or, commercial waste including recycling and compost. It may include commercial recycling and composting as well as public drop off.

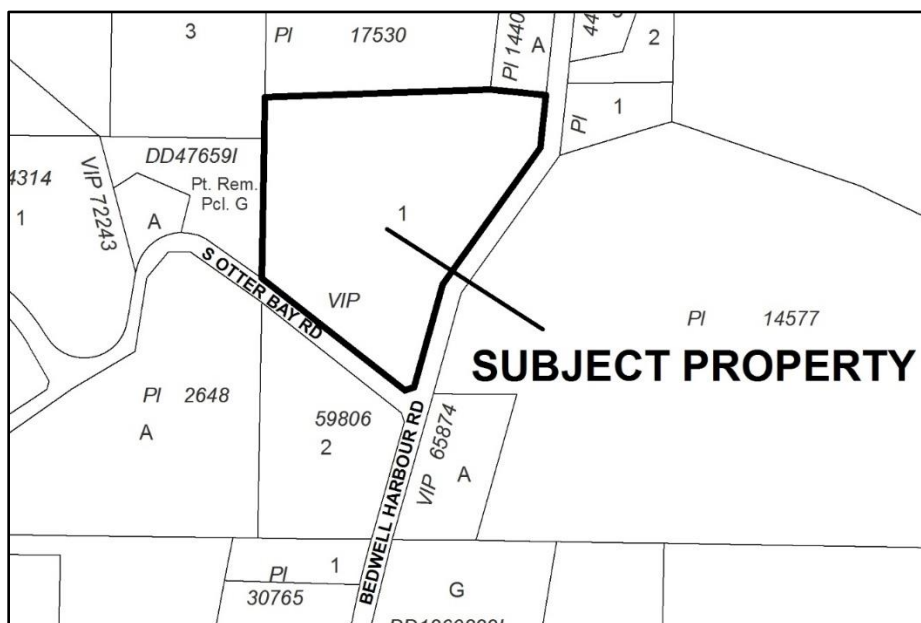
They are not contemplating community composting at this time, but may in the future.

- Proposed Hours of Operation - 7am - 5pm - 7 days a week.
- Proposed road access and internal circulation is shown on Figure 3 and Attachment 4.

- Volumes – the applicants estimate approximately 50 tons:
- The vehicles and equipment are as follows:
 - 5 trucks,
 - 2 -40 yard bins,
 - 10- 15 yard construction bins
- Best Management Practices: the applicants have given the following statement: “Our plan is to meet or exceed every industry standards when operating as we have in the past when granted a TUP.”
- The applicants are working on the lease agreement with the owners of the property.

Staff will visit the particular portion of the subject property on January 29, 2020.

Figure 1 – Subject Property



Intent of Temporary Use Permits

A temporary use permit is a mechanism that permits a short term use, either a use that is intended to be ephemeral, or alternately may also be used to determine its suitability in a particular location. The process is significantly less time consuming and expensive than rezoning. A TUP may precede a rezoning application to allow what is, in essence, a “trial run” that can be monitored for impacts and ultimately inform a rezoning decision.

TUPs are issued for a period of up to three (3) years, although they can be any period of time shorter as deemed by the LTC. At the end of that period, the permit could be renewed for a further three (3) years without further notification.

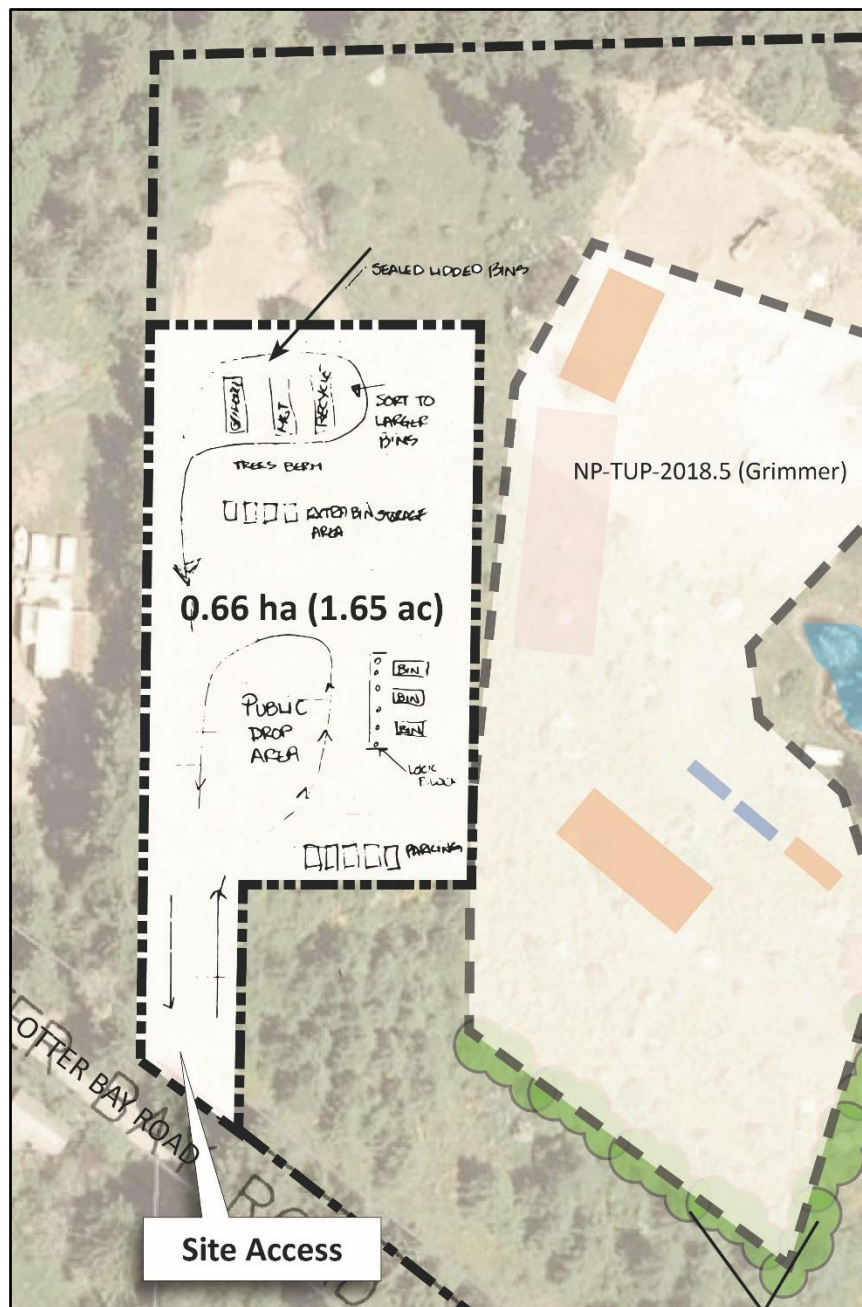
A TUP has advantages in that the permit can impose any number of conditions and restrictions on use in order to mitigate potential or real impacts. Further, the LTC can monitor the suitability of the use, breaches of conditions can be enforced, and the LTC maintains the option to cease the use upon application for renewal if the impacts prove to be deleterious.

With rezoning, specific conditions could also be addressed with a Section 219 covenant placed on the property's title to further regulate a use. The latter can, however, be cumbersome and more difficult to monitor and enforce. Therefore the suitability of the use becomes a more critical question with any rezoning.

Figure 2 – Proposed TUP Area (+/- 0.66 ha/1.65 acres)



Figure 3 – Application Site Plan (See also Attachment 2.5)



Process Alternatives for Application

The LTC has numerous alternatives in considering the next steps for this application. These are briefly outlined in the following and are supported by draft resolutions (in the same order) under 'Alternatives' (below):

- **Proceed with TUP and report back to the LTC with Information.** As recommended on page 1, this pathway would follow a course with staff reporting back with information, and then drafting a TUP, undertaking notification to neighbouring properties (see 'Consultation' below) and reporting back with

analysis and staff recommendations for consideration. The flexibility to add conditions and/or the permit's valid timeframe would remain until a resolution on approving issuance is made.

- ***Proceed with TUP by scheduling a CIM.*** This alternative would proceed by staff scheduling a Community Information Meeting (CIM). The CIM would allow the LTC to determine the level of community support for the use in this location. The outcome could inform the extent of the use and conditions when the TUP is drafted before proceeding with notification and consideration of issuance at a future meeting.
- ***Proceed with TUP conditional upon receipt of a rezoning application.*** This alternative would require that as a condition of issuance of the TUP, an application for rezoning and fees be received by the Islands Trust. The advantage of this alternative is that it could potentially allow the use temporarily, while ensuring the TUP does not become a protracted use that strays into a real or perceived situation of permanence. .
- ***Deny the application.*** By denying the application, the applicant would then be required to either find a new location or make a rezoning application. The advantage of this pathway would be to accelerate a move to a rezoning application, however, given the timeframe and lack of certainty, it does not resolve the more immediate needs of the applicant. That process is more definitive and inherently more rigorous in terms of information (professional reporting, etc.), public and agency consultation. It is noted that as the property is designated as **R- Rural** in the OCP, the rezoning will also require an OCP amendment. This involves statutory consultation with any First Nations deemed to have an interest in the application.

Land Use Planning for Waste Management

As above, the previous LTC engaged in a three year process that included community review of best practices and an inventory of existing industrial land and current waste transfer sites. Staff developed selection criteria for **Full Service Waste Transfer** facilities and based on analysis both the subject property and the Mainroad property on Port Washington Road were selected. The criteria were as follows:

- Sufficient space (1.5 acres remains after 50 m buffer applied)
- No sensitive ecosystems
- Adjacent to other industrial zones
- Not in area location with known high groundwater vulnerability
- Remote from dense neighbourhoods (less than 50 properties under 5 acres within 1 km)
- Relatively flat topography
- Not known to have high agricultural capability
- No known archeological features
- Does not contain fresh water bodies
- Accessible from common use areas (Magic Lake Estates, Driftwood Ctr., or Recycling Ctr.)
- Serviced by a dedicated road

Further Information

The recommendation on page 1 addresses the need for more information on the site and the proposed use to inform the decision to proceed further by the LTC. The particular concern is ensuring environmental protection through assessment and management plans as well as analysis of other impacts.

Staff is recommending that the information from the applicant and professionals be consistent with that already obtained for the TUP (2018.5 – Grimmer) on the same property. In addition, outstanding criteria and guidelines that were drafted as part of proposed OCP amendment Bylaw No. 214 (for waste management) should be included. Those are excerpted as follows and staff notes that some conditions may be non-applicable

3.3.2.9 Applications for waste transfer uses in appropriate locations may be considered subject to:

- *protecting natural watercourses, trees and native vegetation and soil*
- *avoiding negative impact to riparian areas, natural watercourses, groundwater aquifers, fish habitat, marine ecosystems, site drainage and groundwater*
- *protecting the site and uses from wildfire hazards, flooding and steep slope hazards*
- *ensuring adequate separation from farmland*
- *maintaining the general character of the area*
- *minimizing visual, noise, smell impacts on neighbours*
- *enabling safe and easy vehicle access and movement*
- *minimizing use of artificial light*

Staff is also recommending that the design of the operation and site conform to the following conditions:

3.3.2.10 The Local Trust Committee should 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.*

Staff notes that an environmental assessment and environmental management plan have been developed for NP-TUP-2018.5 (Grimmer) on the same property. The applicant could potentially contract to have those adapted to the specific site and waste transfer use, presumably with some financial and time savings. It is imperative that the environmental assessment and any management plan address the specific use and the foregoing criteria.

Consultation

CIM

As above, and consistent with the other TUP for the property, if the Local Trust Committee opts to proceed with the TUP, a CIM can be scheduled in advance of statutory notice being issued. The purpose of the CIM would be to gauge the amount of support for the proposal with direct neighbours and the general public. This would be recommended given the likely community interest in this application.

Statutory Requirements

A TUP application requires that a notice be circulated and mailed to surrounding properties within 100 metres of the property and be published in a local newspaper (the *Driftwood*) within two weeks of the meeting that the TUP is to be considered by the LTC.

Staff will undertake this notification if the application proceeds.

Agencies

This proposal does not trigger any agency referrals.

First Nations

Consideration should be given to mitigate adverse environmental impacts that may impact Indigenous concerns affecting their lands or resources. It would be advisable for applicants to provide letters of support or concurrence from First Nations governments in the area or notification to First Nation governments of the application.

Noted in a Staff Report for NP-TUP-2018.5 (Grimmer) on the same property, an Archaeological Impact Assessment (AIA) was contracted by the Local Trust Committee as part of the waste transfer project. The AIA by Stantec Consulting (dated September 11, 2018 – not attached) surveyed the property to determine the extent of archaeological resources and encountered no archaeological resources (including within the mapped site). However, Chance Find Protocols should be in effect for excavations throughout the operation of the permit (see Attachment 3).

Rationale for Recommendation

The recommendations on page 1 are supported as:

- the site was selected as ‘full service waste transfer’ location as part of the land use planning for the LTC’s waste management project which included extensive community consultation and background research; and,
- proceeding will allow further information to be requested, particularly an environmental assessment and management plan(s). That information can provide more certainty to consideration by the LTC on the suitability of the site and proposal, and allow a CIM to be scheduled to gauge community support.

ALTERNATIVES

1. Direct staff to schedule a CIM

The LTC may opt to proceed with the TUP application and schedule a CIM as a first step.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee direct staff to proceed with application NP-TUP-2019.7 (Burdett) and schedule a Community Information Meeting.

2. Direct staff to proceed with the TUP conditional upon receipt of a rezoning application

The LTC may opt to proceed with the TUP application with the condition that any resolution that approves issuance of the permit be conditional upon the receipt of a rezoning and OCP amendment application and with fees paid in full.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee direct staff to proceed with application NP-TUP-2019.6 (Burdett) and inform the applicant that any resolution to approve issuance will be conditional upon receipt of a complete application for rezoning and OCP amendment for the use on the subject property and that fees for such an application are paid in full.

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-2019.7 (Burdett).

4. Defer the application

The LTC may opt to defer consideration of the permit. If selecting this alternative, the LTC should describe the rationale.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee defer consideration of Temporary Use Permit NP-TUP-2019.7 (Grimmer) for the following reason(s):_____.

NEXT STEPS

- Staff will request information as described above and report back to the LTC upon receipt.
- Staff will schedule a CIM if directed.

Submitted By:	Phil Testemale, Planner 2	January 21, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	January 22, 2020

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Cultural Protocol for Chance Finds and Ancestral Remains

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806
PID	018-948-421
Civic Address	4415 Bedwell Harbour Road

LAND USE

Current Land Use	Rural (Residential, agriculture [grazing, orchard] and quarry)
Surrounding Land Use	See also Attachment 2.3 North – Rural and Community Service (Library; Nu to Yu) East – Rural Residential and Agriculture South – Community Service (Community Centre) and Rural West – Industrial (site specific) and Rural

HISTORICAL ACTIVITY

File No.	Purpose
NP-SUB-1993.4 and 1994.6	Historical subdivision files
NP-TUP_2018.5 (Grimmer)	Concrete Batch Plant and Excavation Co.

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as R- Rural in the North Pender Island Official Community Plan No. 171, 2007 (OCP). There are no Development Permit Areas designated on the subject property.
Land Use Bylaw	The property is zoned as Rural (R) in the North Pender Island Land Use Bylaw (LUB) No. 103, 1996 (LUB). The TUP would permit the specific uses (structures)
Other Regulations	
Covenants	None
Bylaw Enforcement	NP-BE-2012.8. Active file. Application is for compliance (Industrial uses of land without zoning (ref: NP-TUP-20181.5).

SITE INFLUENCES

Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	The application has no considerations the Regional Conservation Strategy Plan.
Species at Risk	Pending further analysis
Sensitive Ecosystems	Pending further analysis
Hazard Areas	N/A

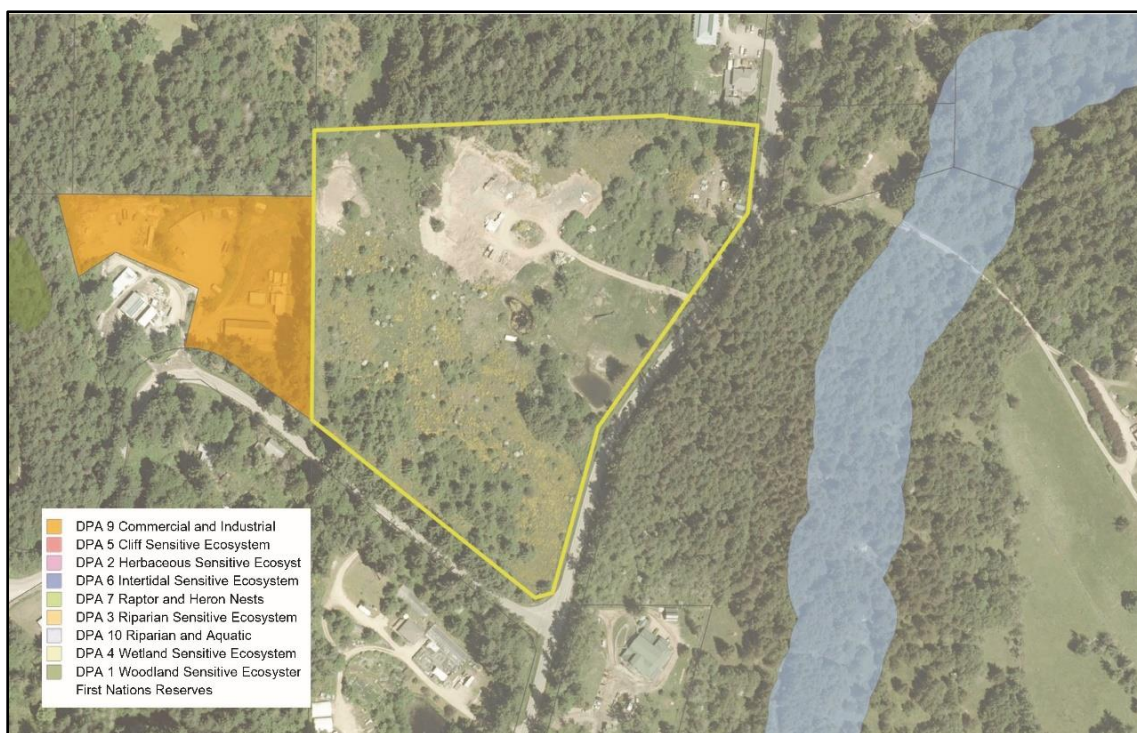
Archaeological Sites	There is a mapped archaeological site (also shown on Figure 2 in report body) on the southeast corner of the property. An Archaeological Impact Assessment (AIA) was contracted by the Local Trust Committee as part of the waste transfer project. The AIA by Stantec Consulting (dated September 11,) surveyed the property to determine the extent of archaeological resources and encountered no archaeological resources (including within the mapped site). Notwithstanding the foregoing and information from RAAD, 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	Pending further analysis
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

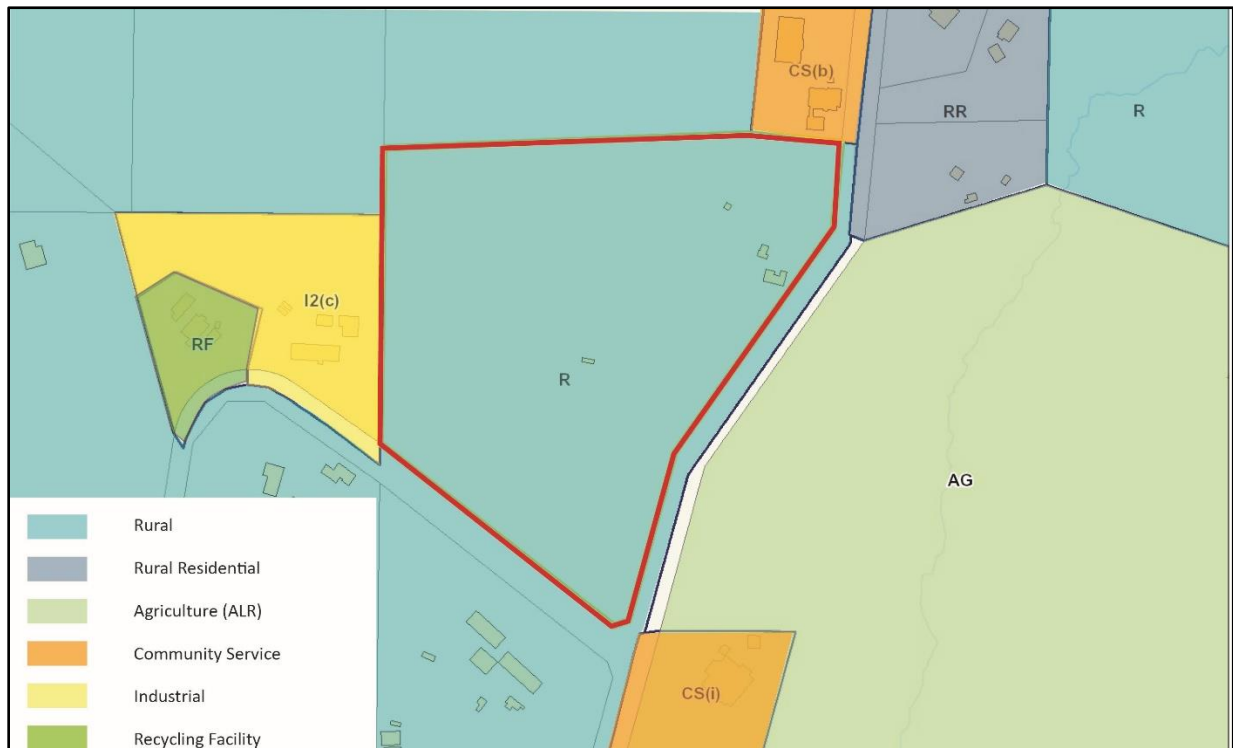
2.1 ZONING AND ORTHOPHOTO



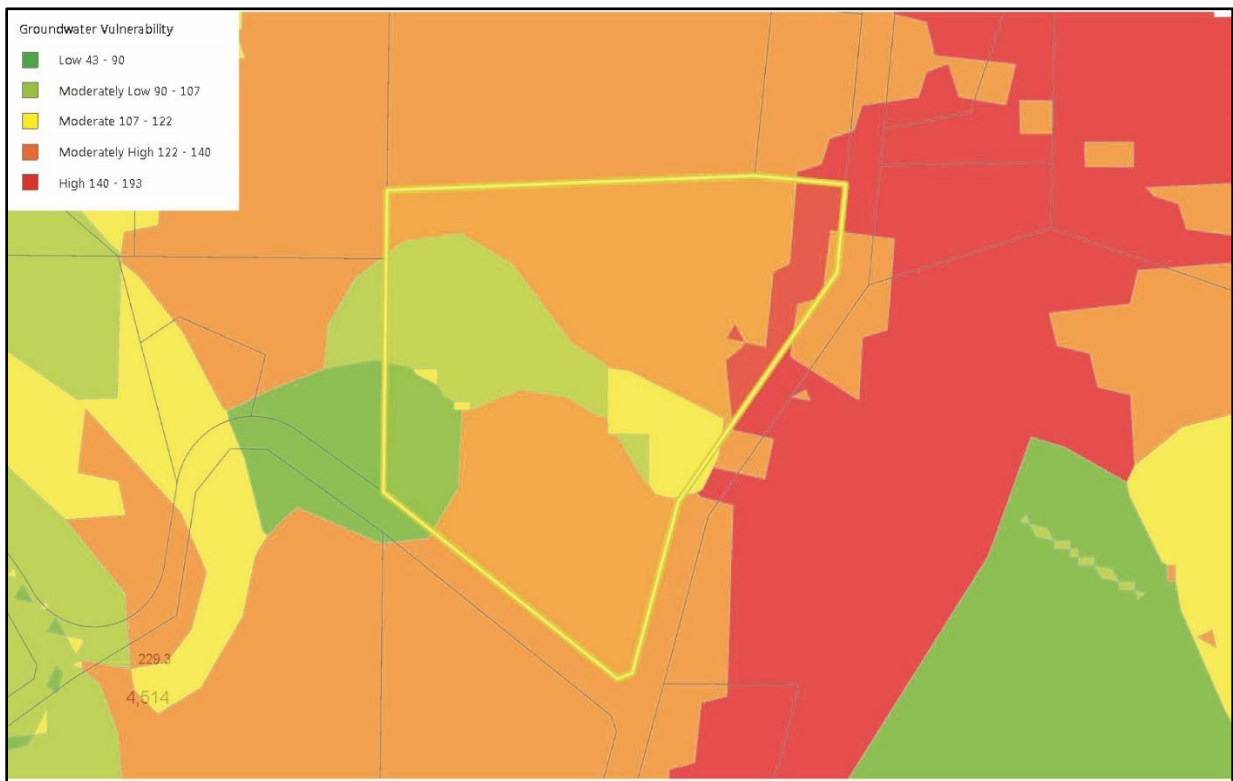
2.2 DEVELOPMENT PERMIT AREAS



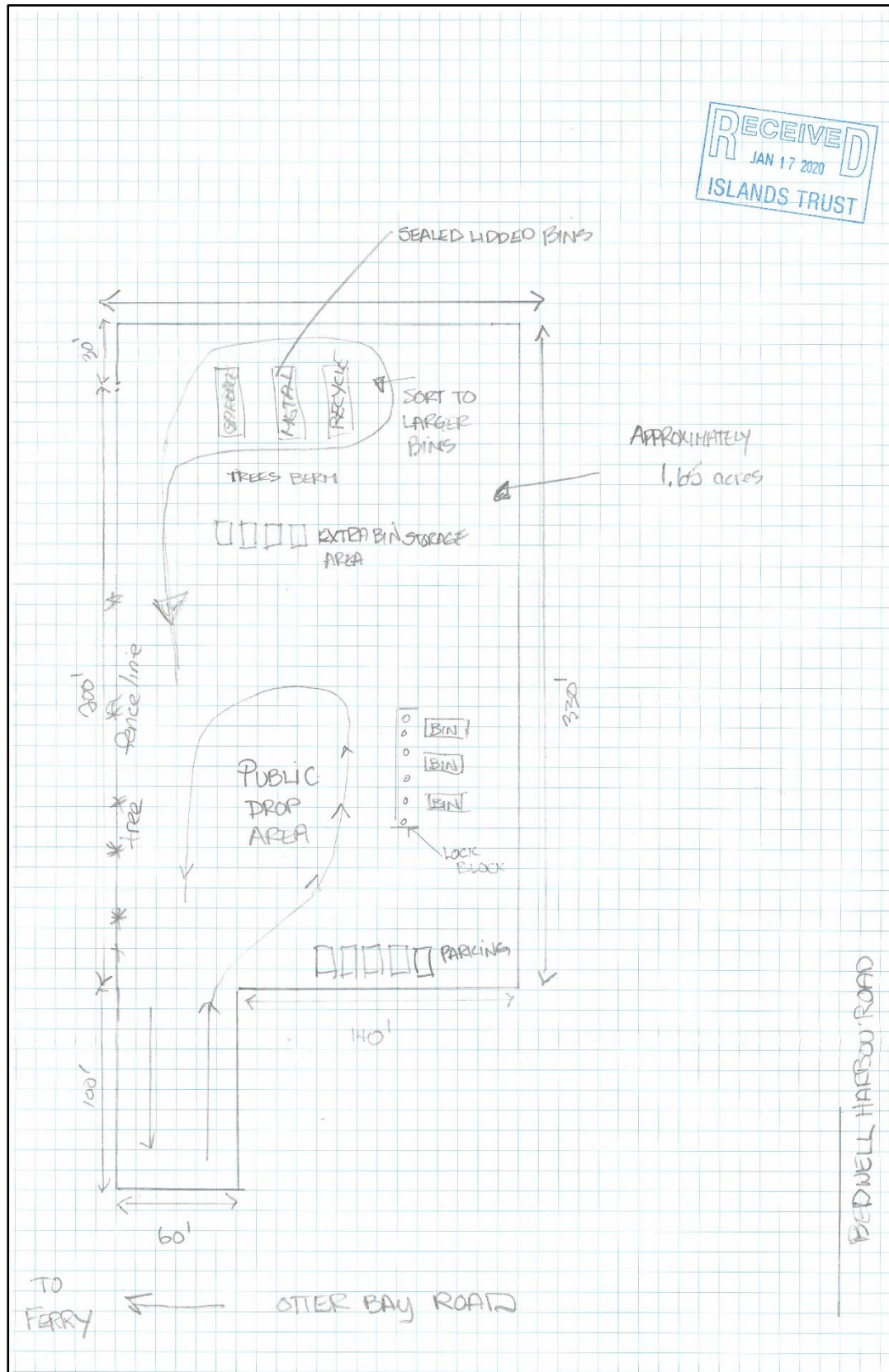
2.3 LAND USES



2.4 GROUNDWATER VULNERABILITY



2.5 SITE PLAN AS SUBMITTED





Cultural Protocol for Chance Finds and Ancestral Remains within Islands Trust Area

Purpose:

The purpose of this protocol is to provide culturally relevant guidelines to the Islands Trust in cooperation with the Province of British Columbia, the Archaeology Branch, archaeologists (academic, cultural resource management or otherwise), other agencies or individuals and the public, as to the procedures for handling human remains within First Nations treaty and traditional territories. This is to facilitate the culturally appropriate and respectful treatment of these remains.

Mandate:

The Islands Trust Area is located within British Columbia, Canada, and anyone undertaking land-altering activities in areas of known and recorded archaeological or variable archaeological potential should be adhering to the Heritage Act, Island Trust by-laws, other agency and government permitting, and all legal requirements related to land alteration. Chance finds outside of archaeological sites require work to stop to allow for assessment and protection of the area.

Authority:

First Nations within the Islands Trust Area represent the cultural and heritage interests throughout the Trust Area.

Procedures:

The following steps will apply in cases where ancestral remains are found in unexpected situations (e.g. construction of buildings or renovations, building of roads, natural erosion, ground disturbance or alteration) or during archaeological projects or studies under, or not under, a First Nation cultural and heritage permit.

A. Unexpected Discoveries

In cases where the First Nation is notified that ancestral remains are discovered by chance, the following shall apply:

1. The First Nation Lands and Resources Department or Council or Band Manager/Administrator must be notified immediately.

2. The coroner's office and local policing authority must be notified.
3. Representatives from the First Nation (contact determined by First Nation) and the coroner's office will determine whether the find is of contemporary forensic concern. The Archaeological Branch and/or archaeologists can offer advice on such matters.
4. If the remains are of First Nation/Indigenous ancestry, and are under no immediate threat or further disturbance, they will not be excavated or removed, unless determined otherwise by the First Nation.
5. If the remains have been partially or completely removed, the First Nation will facilitate their removal or mediate the situation.
6. If the remains are under threat, removal under the authority of the coroner, police authority and First Nation will coordinate removal.
7. If desired, the First Nation may allow for a qualified physical anthropologist, or archaeologists with training in human osteology and First Nation handling of ancestral remains, to assess the found remains in order to implement conservation measures.
8. Any analysis of ancestral remains must be limited to basic recording and in field observation until representatives of the First Nation arrive at the site.

B. Permitted Archaeological Projects

In cases where ancestral remains encountered in the course of project under a First Nation cultural and heritage permit, the First Nation must be contacted immediately.

1. Extreme care and respect for ancestral remains is required. If uncovered, they must not be removed, but left in place. For any reason they are removed, they must be placed in a clean handkerchief or blanket, placed in a solid box with cedar boughs.
2. The field director or permit holder must contact the First Nation and seek advice on how the ancestral remains should be handled.
3. The First Nation will determine the disposition of the ancestral remains.
4. Any analysis of ancestral remains must be limited to basic recording and in field observation until representatives of the First Nation arrive at the site.

Contacts at Islands Trust include Local Trustee and Senior Intergovernmental Policy Advisor, Victoria Office lwilcox@islandstrust.bc.ca or (604) 348-6885.



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area **Bylaw No.:** 471 **Date:** December 5, 2019

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held at a later date.

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee

PURPOSE OF BYLAW:

Proposed Bylaw No. 471 will amend the Salt Spring Island Official Community Plan (OCP) to authorize the Salt Spring Island Local Trust Committee (LTC) to issue Temporary Use Permits (TUPs) for residential uses. Currently, the OCP only allows TUPs to be issued for commercial or industrial uses.

As drafted, Proposed Bylaw No. 471 could allow TUPs to be issued for residential use of secondary suites, cottages, tiny homes on wheels and recreational vehicles.

Through Proposed Bylaw No. 471, a number of new guidelines would be introduced in the OCP to guide LTC decisions about whether to issue a TUP for residential use.

GENERAL LOCATION:

Island wide

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

Island wide

ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

Island wide

OTHER INFORMATION:

A copy of Bylaw No. 471 is available [here](#). A staff report and other information on this bylaw can be found [here](#).

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Jason Youmans

Title: Island Planner

This referral has been sent to the following agencies:

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation
Malahat First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Semiahmoo First Nation
Tsawwassen First Nation

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Building Inspection
CRD – Water – Highland
CRD – Water – Cedars of Tuam
CRD – Water – Beddis
CRD – Water – Fulford
CRD – Water – Cedar Lane
CRD – Water – Fernwood
Vancouver Island Health Authority
Islands Trust Bylaw Compliance and Enforcement
SSI Advisory Planning Commission

Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only)

Non-Agency Referrals

BC Ambulance Service
North Salt Spring Waterworks District
SSI Chamber of Commerce
SSI Fire-Rescue
Salt Spring Solutions
Salt Spring Island Housing Council

Provincial Agencies

BC Assessment Authority
Front Counter BC

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

471
(Bylaw Number)

(Title)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area **Bylaw No.:** 518 **Date:** December 4, 2019

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held at a later date.

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee
1 – 500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8

PURPOSE OF BYLAW:

Bylaw No. 518 will amend the Salt Spring Island Land Use Bylaw to regulate cannabis production. In general, it will:

- Make cannabis production a distinct use, rather than a general agricultural activity
- Prohibit cannabis production on land that is outside of the ALR
- Establish a 200 m² lot coverage maximum for indoor cannabis production facilities in the ALR
- Establish setbacks for indoor cannabis production

GENERAL LOCATION:

Bylaw No. 518 will limit cannabis production to land that is within the Agricultural Land Reserve.

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

[Click here](#) to read the latest staff report on this project for further details and background information.

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Claire Negrin

Title: Island Planner

This referral has been sent to the following agencies:

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation
Malahat First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Semiahmoo First Nation
Tsawwassen First Nation

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Economic Development Commission
CRD – SSI Building Inspection
SSI – Advisory Planning Commission
SSI – Agricultural Advisory Planning Commission

Non-Agency Referrals

RCMP
Salt Spring Island Agricultural Alliance
Salt Spring Island Farmer's Institute
School District No. 64
SSI Chamber of Commerce

Hul'qumi'num Treaty Group (for information only)

Te'Mexw Treaty Association (for information only)

Provincial Agencies

Agricultural Land Commission
Ministry of Agriculture
BC Assessment Authority
Front Counter BC

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

BYLAW REFERRAL FORM
RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

518
(Bylaw Number)

(Title)

(Agency)



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

DATE OF MEETING: January 30, 2020
TO: North Pender Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima
SUBJECT: Short Term Vacation Rental (STVR) Policy Review Project Charter

RECOMMENDATION

1. That the North Pender Island Local Trust Committee adopt the proposed project charter for the North Pender Island STVR Review.
2. That the North Pender Island Local Trust Committee request staff to initiate public engagement related to STVR policy review.
3. That the North Pender Island Local Trust Committee request staff to develop an online survey to gather feedback on STVR policy.

REPORT SUMMARY

The purpose of this report is to seek direction from the North Pender Island Local Trust Committee (LTC) to adopt the project charter (Attachment 1) for the North Pender Island STVR Review and direct staff to initiate the public engagement process. The report provides an overview of the previously recommended process options and rationale for supporting this process with the addition of an online survey and focussed STVR operator consultation.

BACKGROUND

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

At the November 7th, 2019 North Pender LTC Meeting the LTC was provided with a [staff report](#) that provided background on the history of STVR operation and policy on North Pender and identified a number of options for reviewing STVRs that are currently regulated through Temporary Use Permits (TUPs). The chart of options, presented in the November 7th report, can be found in Appendix 1 of this report.

The November 7th report recommended that the North Pender Island Local Trust Committee consider proceeding with Option 4 “Limited Review with Limited Public Engagement”.

The rationale for choosing Option 4 was that:

1. The LTC has expressed interest in establishing clearer rationale for permitting or not permitting the renewal of existing STVR TUP applications, accepting or not accepting new applications.
2. A very extensive review, including intensive public engagement, was facilitated in 2016. Given this, an extensive and detailed review process at this time may not be necessary.
3. Analysis of what is known of existing STVRs on North Pender, including bylaw files, and a limited public engagement process may be enough to provide the information LTC members need to feel confident in their STVR decision making moving forward.

DISCUSSION OF OPTIONS:

The proposed Project Charter is based on the recommended Option 4 “Limited Review with Limited Public Engagement” with the addition of an online survey.

As previously identified, Option 4 was based on the fact that in 2016 North Pender undertook a very comprehensive review of STVRs which included extensive public consultation. Given that only four years has passed, it is unlikely that public opinion of STVRs in general has shifted dramatically. However, some residents may have opinions on the use of TUPs for STVRs (introduced as a result of the 2016 process). Some level of public engagement is needed to help identify these interests as well as others.

At their January 3rd, 2020 meeting the North Pender Island Advisory Planning Commission advised the North Pender Island Local Trust Committee to support the staff recommended Option 4 “Limited Review with Limited Public Engagement”.

The rationale for adding the online survey to the public engagement process is that it has proven to be an effective tool to gather public input on STVR policy on Galiano Island. Galiano is nearing the end of the information gathering period through their survey. South Pender will be launching a survey on STVRs at the end of January. North Pender can benefit from work that has already been done to develop survey templates and a processes for survey analysis.

RATIONALE FOR RECOMMENDATION

Recommendation:

1. **That the North Pender Island Local Trust Committee adopt the proposed project charter for the North Pender Island STVR Review.**
2. **That the North Pender Island Local Trust Committee request staff to prepare for and schedule public engagement opportunities.**
3. **That the North Pender Local Trust Committee request staff to develop an online survey to be launched in early 2020 to gather feedback on STVR policy.**

The recommended process for reviewing existing short term vacation rental policies identified in the draft project charter places emphasis on public engagement. As identified in the timeline below, the process up to bylaw amendment approval (should that be the direction decided) will take over a year. The recommended process includes:

- Identification of number and locations of known STVRs on North Pender.
- Review of existing STVR regulations and policies.
- Public outreach including a community survey and one public meeting.
- Identification of STVR regulation and policy options.
- Bylaw amendment process (dependent on recommendations).

Estimated Project Timeline:

January 30 2020 ----- June 2020 ----- April 2021				
Project Initiation: development and approval of project charter and process	Public Engagement Preparation and Scheduling: survey prep, scheduling, logistics	Public/Stakeholder Consultation: Workshop and Online Engagement, Report to LTC on results	Finalize recommendations and confirm scope of bylaw amendments	Bylaw Amendment Process -drafting of bylaws -approval of draft bylaws (could involve editing stages) -1 st , 2 nd , 3 rd readings (including public hearing), referrals - Approval by Executive Committee -Ministry approval (may take several months)

ALTERNATIVES

1. Do Nothing

That the North Pender Island Local Trust Committee not adopt the STVR Review Project Charter and not proceed with a review of STVR policy.

2. Adopt the Project Charter with Amendments

That the North Pender Island Local Trust Committee adopt the STVR Review Project Charter with the following amendments.....

3. Defer Adoption of Project Charter

That the North Pender Island Local Trust Committee defer the adoption of the STVR Project Charter until...

Next Steps

The LTC adopt the proposed project charter for the North Pender Island STVR Review and direct staff to prepare for, and schedule, public engagement opportunities.

Submitted By:	Narissa Chadwick, RPP Island Planner	January 10, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	January 10, 2020

ATTACHMENTS

1. Appendix 1 – STVR Policy Review Options
2. Project Charter

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

Purpose: *The purpose of this project is to conduct a review of North Pender Island's Short Term Vacation Rental (STVR) policies and regulations and evaluate the impact of STVRs on North Pender to inform potential policy change*

Background: *Short Term Vacation Rentals review is a one of North Pender Island LTC's Top Priorities. On November 7th 2019, The North Pender Local Trust Committee was provided with a staff report identifying process options to review short term vacation rentals. This Project Charter is based on the recommendation to support a limited review with public engagement process.*

Objectives

- To assess the impact of STVR use and related policy and regulations on North Pender
- To review options for changes to existing STVR regulations and policies

In Scope

- Identification of number and locations of known STVRs operating on North Pender
- Review and analysis of existing STVR regulations and policies
- Public outreach including a community survey and one public meeting
- Identification of STVR regulation and policy options
- Bylaw amendment process (dependent on recommendations)

Out of Scope

- OCP of LUB amendments not related to STVR

Workplan Overview

Deliverable/Milestone	Date
Project Initiation	January 30/2019
Report on project process and endorsement of project charter	January 30/2019
Complete public/stakeholder outreach (including public meeting)	May /2020
Report to LTC on public engagement results and policy options for LTC direction	May - July 2020
Draft Bylaws for LTC review	July 23/2020
Community Information meeting	October/2020
Bylaw amendment first reading	November 26/2020
Bylaw referrals	Oct.2020
Public Hearing, further reading	February, 2021
Bylaw amendment process completed	Spring/2021

Project Team

Narissa Chadwick	Project Manager
Maple Hung	Admin Support
Jackie O'Neil	GIS Support
RPM Approval: Robert Kojima Date: January 10, 2020	LTC Endorsement: Resolution #: Date: January 30, 2020

Budget

Budget Sources:

Fiscal	Item	Cost
2019-20 (LTC exp.)	Advertising, communications and display materials	\$500 (LTC exp.)
2020-21	Open House	\$500
2020-21	CIM	\$500
2020-21	Public Hearing	\$1000
2020-21	Legal/Contingency	\$2000
	Total (2020-21)	\$4000

File No.: 6500-20
(NP OCP Implementation)

DATE OF MEETING: January 30, 2020
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
SUBJECT: Report subject: OCP Implementation Project Options

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve the OCP Implementation project charter dated January 30, 2020.

REPORT SUMMARY

The purpose of this report is to provide the LTC with a project charter to initiate the OCP policy implementation project and to give the LTC the opportunity to revise the scope of the project.

BACKGROUND

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

NP-2019-099

It was Moved and Seconded,

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

CARRIED

At the November meeting, staff provided a report with options for implementation of OCP policies by topic. The LTC gave direction to proceed with a project to consider implementing all relevant policies, adopting the following resolution:

NP-2019-108

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to draw up a project charter for a full Land Use Bylaw review and make it a top priority for the Local Trust Committee.

CARRIED

An OCP is “a statement of objectives and policies to guide decisions on planning and land use management” by the local government. While an OCP does not commit a local government to implement any of the policies or projects identified in the OCP, any bylaw adopted subsequent to the adoption of an OCP must be consistent with the OCP. The principal mechanism to implement OCP policies is through amendments to zoning, or other land use regulations in the LUB.

The ‘Official Community Plan Implementation’ project would consider an inventory of potential amendments to the Land Use Bylaw (LUB) which would implement policies in the Official Community Plan (OCP). The list of potential amendments was initially created following the adoption of the current OCP in 2008: the new OCP included a variety of statements identifying future actions, these were tabulated, reviewed by the LTC of the day, and added to the projects list (i.e. an inventory of potential future projects). Subsequently a number of priority amendments were initiated over the following years. The OCP was also amended in 2010 to include climate change policies, primarily in section 4.7, but also in a number of other sections of the OCP (these policies have been included in this project).

The attached table inventories the potential LUB amendments that were identified previously, includes some current or emerging issues, and a list technical amendments that is maintained for all LUBs. It categorizes the project into 6 major topic areas and a seventh topic area for minor and technical amendments:

1. Residential floor area review.
2. Conservation subdivision review.
3. Tourist Commercial regulation review.
4. Marine shoreline regulations review.
5. Agricultural regulations amendments.
6. Industrial regulation review.
7. Minor and technical amendments

Given the differential impacts of amendments in the topic areas it is anticipated that there would be greater community engagement and consultation on some than others. As a first phase, the project charter identifies that staff will undertake a review of the topics and issues, and prepare options for implementation through LUB amendments. Options and background information will be presented in the form of staff reports and discussion papers on the different topic areas.

ANALYSIS

The LTC should review the list of topic areas and make any further changes to the scope of work if desired. The project charter establishes a timeline based on typical project phasing:

1. Project initiation: current
2. Research and analysis: approximately six months
3. Community, First Nations, and stakeholder engagement: approximately six months
4. Preparation and review of draft amendments: approximately six months
5. Legislative phase: several months for bylaw readings, agency referrals, public hearing (longer if OCP amendments are required).

6. Implementation and wrap-up

Budget and resources: there is no assigned budget in the current (2019-20) fiscal year for the project; however no expenditures are anticipated prior to March 31st. A budget of \$4000 is proposed for fiscal year 2020-21. The project would require a significant amount of staff time, and would be the primary project for an Island Planner or one of several projects for a policy Planner.

If the LTC is satisfied with the scope of work proposed, it should approve the project charter by resolution, this will allow work to proceed. Alternatively the LTC could ask staff to report back with changes to the project scope and to the charter.

NEXT STEPS

If the LTC endorses the project charter, staff will commence on background work and analysis, reporting back to the LTC in late spring with options for implementation, and recommendations for public consultation.

Submitted By:	Robert Kojima, Regional Planning Manager	January 21, 2020
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ATTACHMENTS

1. Project Charter
2. Table of potential amendments

OFFICIAL COMMUNITY PLAN IMPLEMENTATION – Project Charter v1

North Pender Island Local Trust Committee

Date: January 30, 2020

Purpose: project to consider implementation of a OCP policies through amendments to the Land Use Bylaw

Background: The current OCP was adopted in 2007. Subsequently a number of amendments have been made to both the OCP and LUB that implemented some policies in the OCP, however there has not been a comprehensive review of the Land Use Bylaw to implement all relevant policies and initiatives in the OCP, nor to update the LUB for technical and minor amendments.

Objectives

To amend various regulations in the LUB to implement policies in the OCP, to address legislative changes, and to make technical and other minor amendments to the LUB

In Scope

Amendments to LUB regulations based on OCP policies and technical and minor LUB amendments.

- Residential dwelling floor area
- Lot clustering through conservation subdivision
- Tourist commercial zoning amendments
- Marine and shoreline zoning
- Agricultural amendments relating to ALR Act or Regulation changes
- Industrial zoning regulation amendments
- Minor or technical amendments
- Amendments to regulations to implement climate change policies added to OCP in 2010
- Bylaw formatting consistent with model LUB
- Consequential amendments to the OCP if required to fully implement in-scope regulatory changes

Out of Scope

- Substantive policy amendments to the OCP
- Significantly amended or new Development Permit Areas
- OCP mapping amendments establishing new land use designations
- Substantive regulatory changes to the LUB not identified in current OCP policies

Workplan Overview

Deliverable/Milestone	Date
Project charter endorsed	January 2020
Staff research and analysis of options, preparation of background documents, reports and discussion papers	Feb – June 2020
LTC review of background material and consideration of public consultation options	June 2020
First Nations engagement	June – Nov 2020
Public consultation (scope, extent and timing to differ for topic areas), early referrals	July – Nov 2020
LTC review of consultation results and consideration of amendment options	Jan – Feb 2021
Preparation of draft bylaw (blackline and new format)	Mar – May 2021
LTC Consideration of draft bylaw	May 2021
Community Information meetings / agency and First Nations referrals	June – Aug 2021
Legislative Process (longer if OCP amendments required)	Sept – Dec 2021

Project Team

Robert Kojima	Project Sponsor
TBD	Project Manager
Phil Testemale	Planning support
Lisa Wilcox	Intergovernmental rel.
Maple Hung/Jas Chonk	Admin Support
Jackie O'Neill	Mapping Support
RPM Approval: Robert Kojima Date: January 20, 2020	LTC Endorsement: Resolution #: Date: xxx

Budget

Budget Sources: LPS Project budget		
Fiscal	Item	Cost
2020-21	Public consultation	\$1000
2020-21	First Nations consultation	\$1500
2020-21	Legal / contingency	\$1500
2020-21	Total (2020-21)	\$4000
2021-22	Consultation, legislative process	\$3000

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

**LAND USE BYLAW AMENDMENT CATEGORIES IMPLEMENTING OFFICIAL COMMUNITY PLAN BYLAW No. 171,
2007**

No	Category	Topics	Reference Policy	OCP ref.	Description	Process
1.	Residential Dwelling Floor Area	Maximum Floor Area for Residential Dwellings	Maximum floor area regulations may be established, cottage maximum reviewed	2.1.A 2.1.2.4	<i>Consider implementation of a maximum floor area for dwellings, review maximum cottage floor area, consider potential options for flexibility in residential development</i>	
2.	Conservation Subdivision	Lot Clustering	Lot clustering should be encouraged through use of minimum and average lot sizes.	2.1.G 2.1.1.4 2.1.2.5 2.6.1 4.1.5 4.7.3 5.1.2	<i>Minimum average lot sizes for RR and R zones have been implemented, Conservation Subdivision project focusing on large subdividable lots was initiated in 2013 but not completed. Consider further changes to implement conservation focused future subdivision layout</i>	
3.	Tourist Commercial Zoning	Tourist Commercial	Various potential amendments to tourist commercial regulations	2.4.18 2.4.19 2.4.20	<i>Review commercial guest accommodation regulations, including allowing flexible floor area, also addressing development potential. Partially implemented with Port Browning rezoning.</i>	
4.	Marine and Shoreline zoning	Marine and Shoreline zoning review	Review of various marine related zoning and shoreline regulations. Marine zoning regulations include definitions of docks and associated structures. Shoreline review would include setbacks, permitted structures, and incorporate sea level rise provisions	3.1.1.1 3.1.1.4 3.1.1.5 3.2.5 4.1.2 4.2 4.2.10	<i>Partially implemented by re-alignment of marine zone boundaries, amendments to zone lakes, provisions for dock elements on upland. Further amendments could be considered, including to docks.</i>	

No	Category	Topics	Reference Policy	OCP ref.	Description	Process
5.	Agricultural amendments	Agricultural amendments	LTC may consider amendment to various regulations to implement Area Farm Plan, update regulations	2.1.1.8 2.2.1 2.2.2 2.2.3 2.2.4 2.2.5 2.2.24 2.2.8	<i>This would be a significant project, with extensive consultation. LTC should be satisfied this is a priority.</i>	
6.	Industrial zoning Review	Industrial zoning Review	Review Industrial zoning	2.5.2 4.7.6	<i>Zone Industrially-designated land, review range of uses permitted in industrial zones. This would represent a significant commitment of time and resources and should be undertaken as discrete project. Partially considered during waste management review and through rezoning of works yard (currently in abeyance at applicant's request).</i>	
7.	Minor and Technical Amendments	a) Landscape Screening Review	Consider and review the use of regulations to retain screening vegetation	2.1.C	<i>Review of effectiveness, intent, and administrative capacity related to existing regulations, consider potential new regulations or amendments</i>	
		b) Home Industry Regulations	Home Industry regulations review	2.1.3.6 – 2.1.3.9	<i>OCP establishes policies for updating these regulations, this could be implemented as a limited project</i>	
		c) Subdivision regulations	Review of subdivision servicing regulations, including proof of potable water, applicability of road standards and drainage.	3.3.1.1	<i>Groundwater sustainability project may have applicability to proof of potable water provisions.</i>	
		d) Renewable energy	Review zoning regulations to permit renewable energy devices	4.5.2 4.7.10	<i>Siting of features would be main amendment. Geothermal heating: site-specific amendment approved, change to zoning regulations considered and rejected by a previous LTC</i>	

No	Category	Topics	Reference Policy	OCP ref.	Description	Process
		e) Mandatory rainwater catchment systems	Regulations may be considered requiring the installation of rainwater catchment systems in new construction	3.2.4 4.7.5	<i>Non-potable water storage requirements can be implemented through zoning regulations or as a DPA for water conservation. Priority areas should be identified following completion of the groundwater review project</i>	
		f) Commercial zoning Review	Review C1 zoning	4.7.2 4.7.4	<i>Review site-specific zones, update use categories, parking alternatives, second storey residential</i>	
		g) Ferry Terminal	Ferry terminal zoning		<i>Upland portion of ferry terminal should be zoned to a community service zone</i>	
		h) Incorporate TUP into zoning	Consider amending zoning to make on-going (non-STVR) TUPs permanent uses		<i>There are currently 3 – 5 non-STVR TUPs that may be candidates for LTC-initiated zoning amendments that would make the uses permanent</i>	
		i) Forestry and Agricultural buildings	Amends to AG and R zoning to address agricultural and forestry building height		<i>Agricultural buildings defined by use only, consider amendments to permit higher buildings on AG lots with larger setbacks. Rural zoning does not specifically allow for non-agricultural buildings that are not accessory to a dwelling.</i>	
		j) Accessory buildings	Construction of accessory buildings prior to residence		<i>Permit one non-residential building on RR zoned lots prior to construction of dwelling</i>	
		k) Prohibited uses	Review of prohibited uses		<i>Could be updated to address shipping containers, pit toilets and uses identified in other bylaws</i>	

No	Category	Topics	Reference Policy	OCP ref.	Description	Process
		l) Technical Amendments	Various technical updates / corrections		• <i>Order of definitions (cottage)</i> • <i>Uses permitted in all zones clarity</i> • <i>Typos</i> • <i>Mapping:</i> • <i>C2(c) and C2(d) zone boundary</i> • <i>Magic Lake tennis courts</i> • <i>Home industry setback and minimum lot size inconsistency</i> • <i>Add secondary suites to RC zones</i> • <i>Siting exemptions for solar panels and power sheds</i> • <i>Home occupation definition: permission and prohibition inconsistency</i> • <i>Inconsistency between natural boundary and lot line setbacks</i> • <i>Definition of pumphouse</i> • <i>RV definition to include park model homes</i> • <i>Connections between buildings</i> • <i>Review lot coverage for split zoned lots calculations</i> • <i>Review accessory use definition in light of recent case law</i>	
		m) Formatting	Re-format LUB to Islands Trust LUB template, adopt a new base bylaw		<i>Any extensive amendments to LUB should include re-formatting LUB into standard template and adopting a new base bylaw</i>	

Top Priorities Report

North Pender Island

1. STVR review

to review the policies, regulations and impacts of STVRs
- Project charter to developed following referral response from APC

Responsible

Narrisa Chadwick

Dates

Rec'd: 05-Sep-2019

2. Climate Change Adaptation, Mitigation and Resilience

Phase 1: Groundwater Sustainability Project (2019-2020)
Phase 2: Sea level rise adaptation (2020-21)

Responsible

William Shulba

Dates

Rec'd: 29-Nov-2018
Target: 31-Mar-2020

3. LUB Review

To consider potential LUB amendments to implement OCP policies, and to make technical amendments

Responsible

Robert Kojima

Dates

Rec'd: 07-Nov-2019
Target: 01-Jan-2022



1. Climate Change Adaptation and Community Resilience

Date Received

22-Jan-2009

Date Received

22-Jan-2009

- 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

Date Received

28-Jul-2011

Date Received

22-Feb-2012



Projects Report

North Pender Island

5. *Shoreline Project Implementation*

Responsible

Date Received

Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones

6. *Conservation Subdivisions*

Responsible

Date Received

Continue 2013-2014 work to reduce environmental impacts of subdivision through conservation subdivisions regulations. Consult with community on recommendations for LUB and OCP amendments drafted in 2014.

03-Feb-2015

7. *Freshwater sustainability*

Responsible

Date Received

Implement Official Community Plan policies on potable water and groundwater resources, especially policies in OCP 4.1.1.1»¿

29-Oct-2015

8. *Coastal Douglas Fir Ecosystem*

Responsible

Date Received

Consider implementation of toolkit

01-Feb-2019



Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
NP-ALR-2019.1	Burdett, Anne	15-Nov-2019	Inclusion/Exclusion application to the Provincial Agricultural Land Commission

Planner: Phil Testemale

Planning Status

Status Date: 07-Jan-2020

Letter sent to applicant as application incomplete. Request information within 60 days.

Status Date: 17-Dec-2019

PTA created file, fees paid, LTC notified, given to Planner

Development Permit

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

Planner: Phil Testemale

Planning Status

Status Date: 19-Nov-2018

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

Status Date: 06-Jun-2018

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

Status Date: 04-Jun-2018

Received from Applicant cheque for application fee by post mail.



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2019.2	Gill, David	02-Oct-2019	development permit application for Riparian DPA

Planner: Narrisa Chadwick

Planning Status

Status Date: 20-Nov-2019

Waiting for biologist's report.

Status Date: 08-Oct-2019

PTA gave file to Planner

Status Date: 04-Oct-2019

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

File Number	Applicant Name	Date Received	Purpose
NP-DP-2019.3	Beaton, Ron	17-Dec-2019	application for RAR DP.

Planner: Phil Testemale

Planning Status

Status Date: 21-Jan-2020

QEP resubmitting RAR report with updated form. February 27, 2020 agenda pending approval from FLNRORD

Status Date: 09-Jan-2020

Gave file to planner.

Status Date: 08-Jan-2020

PTA received signed application, Planner to be assigned.



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2018.3	TIM HALL PENDER ISLAND PARKS & RECREATION COMMISSION	05-Jul-2018	Application for rezoning of portion of Danny Martin Park from 'Community Service' to 'Community Park'
Planner: Phil Testemale			
Planning Status			
Status Date: 21-Jan-2020 Planner will contact PIPRC about proceeding with application as is.			
Status Date: 23-Oct-2019 E-mail to Justine Starke, CRD requesting update and advice on proceeding			
Status Date: 22-May-2019 Staff have contacted CRD. Parks Plan review to be initiated with unspecified timeline.			

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: Phil Testemale			
Planning Status			
Status Date: 13-Sep-2019 PLA Extension request rec'd. Reply with no objections.			
Status Date: 17-May-2019 strata access route layout and standards approved by MoTI and PAO			
Status Date: 09-May-2019 Meeting with applicant - update on progress of application			



Subdivision

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

Planner: Phil Testemale

Planning Status

Status Date: 27-Jun-2019

Conditions on PLA outstanding (particularly removal of illegal dwelling)

Status Date: 09-Jan-2018

Awaiting Ministerial signature

Status Date: 19-Jul-2017

Bylaws approved by EC

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

Planner: Phil Testemale

Planning Status

Status Date: 21-Jan-2020

Hydrology report received and being reviewed.

Status Date: 26-Sep-2019

Applicant advised of regulatory requirements, professional hydrologist certification

Status Date: 27-Jun-2019

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



Temporary and Industrial Use Permit

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

Planner: Phil Testemale

Planning Status

Status Date: 21-Jan-2020

TUP Drafted and Notice sent to neighbours and newspaper. CIM Scheduled for January 30, 2020 LTC

Status Date: 23-Oct-2019

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

Status Date: 03-Oct-2019

EMP received. Checklist sent Oct 17, 2019

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2019.7	Burdett, Anne	15-Nov-2019	TUP for waste transfer facility use

Planner: Phil Testemale

Planning Status

Status Date: 21-Jan-2020

Preliminary report on January 30, 2020 agenda.

Status Date: 17-Dec-2019

PTA created file, fees paid, LTC notified, Planner to be decided

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2019.8	Coburn & Landale	17-Dec-2019	Application for renewal of a TUP for use of an accessory building as an STVR

Planner: Phil Testemale

Planning Status

Status Date: 21-Jan-2020

January 30, 2020 LTC for consideration of issuance.

Status Date: 18-Dec-2019

PTA opened file, fees received, LTC notified, Planner to be assigned.

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

650 North Pender	Invoices posted to Month ending November 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	992.00	54.86	937.14
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	3,855.00	3,149.38	705.62
65210-650	LTC - Local Exp - APC Meeting Expenses	493.00	362.70	130.30
65220-650	LTC - Local Exp - Communications	250.00	100.00	150.00
65230-650	LTC - Local Exp - Special Projects	294.00	580.00	-286.00
TOTAL LTC Local Expense		<u>4,892.00</u>	<u>4,192.08</u>	<u>699.92</u>
Projects				
73001-650-4054	North Pender Waste Management Review	3,000.00	0.00	3,000.00
73001-650-4102	North Pender Landowner Education	2,000.00	903.76	1,096.24
TOTAL Project Expenses		<u>5,000.00</u>	<u>903.76</u>	<u>4,096.24</u>

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-120	In Favour	28-Nov-2019
THAT the NPILTC place a moratorium on new STVR TUP applications for a limited time while the LTC completes the STVR review project.		
2019-074	In Favour	04-Jul-2019
that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.		
2019-072	In Favour	04-Jul-2019
that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.		
2019-061	In Favour	30-May-2019
that the North Pender Local Trust Community refer Short Term Vacation Rental Temporary Use Permits in the Magic Lake sewer catchment to the Magic Lake Sewer and Water Committee to confirm infrastructure capacity.		



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-030 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.	In Favour	28-Feb-2019
2019-016 that the 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.	In Favour	31-Jan-2019
2018-070 that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to the 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: o Name of the applicant and a description of the proposal in general terms. o The location of the proposed establishment and the subject site. o The place, date and time when, both a build meeting will be held and a resolution of the Local Trust Committee is considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application. o How public comments may be submitted to the local trust committee.	In Favour	06-Sep-2018
2011-050 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.	In Favour	28-Apr-2011

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2007-146	In Favour	30-Aug-2007
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.		
2006-080	In Favour	25-May-2006
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.		
2005-005	In Favour	27-Jan-2005
The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations		



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality November 2019

Islands Trust Conservancy New Board Member

Trustee Dr. Susan Hannon joined the Board November 2019. Susan Hannon is a retired Ecology Professor from University of Alberta, currently living on Salt Spring Island. Dr. Hannon's research expertise is in forest ecology, impacts of habitat fragmentation, forest birds and conservation. Active in her community, Dr. Hannon is a Commission Member for The Advisory Planning Commission for Islands Trust. She has also served on the boards of The Salt Spring Island Conservancy, The Nature Trust of BC, Bird Studies Canada, and the Garry Oak Ecosystem Recovery Team Society. Dr. Hannon has worked in land stewardship with private landowners, runs the nest box program on Salt Spring, worked in Garry oak ecosystem restoration and removal of invasive plants. She holds a Doctor of Philosophy in Ecology from the University of British Columbia.

Islands Trust Conservancy Staff Changes

Islands Trust Conservancy is pleased to welcome Kathryn Martell as the acting Ecosystem Protection Specialist, replacing Wayne Bourque.

Carla Funk is acting ITC Communications and Fundraising Specialist while Crystal Oberg is on education leave until August, 2020.

Goal 1 – Science-based Conservation Planning

Goal 2 – Strong relationships with First Nations

The Islands Trust Conservancy Board received a letter from Lyackson First Nation in regards to the Salish View Nature Reserve for information.

Goal 3 – Protection of core conservation areas

Property Management

Mt. Artaban Nature Reserve Management Plan

Islands Trust Conservancy Board approved the 2019 update of the Mount Artaban Nature Reserve Management Plan. The plan will be made available online once it is approved by the covenant holders.

Land Acquisition and Covenants

Covenant Modification Agreement – Woodwinds NAPTEP Covenant

The Islands Trust Conservancy Board agreed to modify the Woodwinds NAPTEP covenant on North Pender Island to address an existing septic field.

Goal 4 – A strong voice for nature conservation

1. Islands Trust Conservancy Board directed staff to consider including a Note Disclosure highlighting the importance of natural assets to the mandate of Islands Trust and the services they provide for island communities, starting with the current fiscal year's annual financial reporting.
2. Islands Trust Conservancy Co-Chair, Sue-Ellen Fast and three staff attended the biennial Land Trust Alliance of BC Seminar Series. The ITC Manager co-presented with the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP) regarding the CDFCP conservation planning tool.
3. Staff provided an update to the ITC Board regarding the status of the website renewal project and the integration of the ITC website into the Islands Trust site.

Activities by Local Trust Area/Island Municipality

Gambier

The Islands Trust Conservancy Board approved the Mount Artaban Nature Reserve Management Plan.

The Islands Trust Conservancy Board reviewed the Public Acquisitions Report for information. Discussion ensued on the Sandy Beach acquisition history and current project details.

North Pender

Islands Trust Conservancy Board directed staff to write a letter to the North Pender Island Local Trust Committee describing concerns regarding potential long-term impacts of contaminated runoff, and alternative designs such as containment of any point source runoff or spills related to a Temporary Use Permit extension application adjacent to the Medicine Beach Nature Sanctuary.

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



DATE OF MEETING: January 30, 2020
TO: North Pender Island Local Trust Committee
FROM: Warren Dingman Bylaw Compliance & Enforcement Manager
SUBJECT: Policy options for Bylaw Enforcement Compliance on unlawful uses

RECOMMENDATION

1. That the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:
 - a) *Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased.*
 - b) *The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease.*
 - c) *Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee; bylaw enforcement actions, including the issuing of notices, will continue.*
 - d) *In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.*

REPORT SUMMARY

The recommendation is that enforcement continue where there are unlawful land uses on properties subject to complaint, even if an application has been made, unless the use ceases. Enforcement action would be limited to the use of Bylaw Violation Notices, and that court action should only be considered if there is no path forward for compliance.

BACKGROUND

At the November 7, 2019 meeting, the North Pender Island Local Trust Committee (NPILTC) adopted a resolution (NP-2019-106) requesting that staff report on the options for a policy in regards to bylaw compliance and enforcement on unlawful uses where the property owner has submitted a planning application in an attempt to bring their property and the unlawful uses into compliance.

Long standing bylaw enforcement practice has been to suspend enforcement on those properties where the owner has submitted a planning application. This policy was adopted by bylaw staff as a means to allow those owners subject to complaint a reasonable amount of time to comply, and allow them to present a plan to the NPILTC for their consideration.

The position of bylaw staff has been that it would be unreasonable to force a property owner to cease a use that could become lawful in a relatively short amount of time. There has also been the concern that the courts would view a forced shut-down of a use, especially a commercial business, as unreasonable if there was a reasonable likelihood of success of an application.

ANALYSIS

The current enforcement approach, outlined in the [Best Practices Manual](#), has worked well for the majority of instances as most property owners work in good faith to achieve compliance with the land use bylaw and the official community plan. However, there have been some enforcement files where applications have been under review for years at a time, and at times multiple applications have been made in an attempt to avoid enforcement as the property owner knows that enforcement will be suspended with the submission of a planning application.

To inform the drafting of options, staff obtained advice from legal counsel. The legislation and case law is clear that owners have the right to make an application; that the LTC must consider applications; that the LTC has full discretion on whether or not it wishes to approve certain planning applications, but that the LTC may place discretionary applications in abeyance for a period of time to encourage an applicant to comply with the regulations. This approach can be considered for discretionary approvals (rezoning, temporary use permits, or development variance permits), but the LTC has limited discretion in considering development permit applications if the application has met all the criteria set out in the Official Community Plan.

Policy/Regulatory

Bylaw Compliance and Enforcement staff have been working under a policy established in the Bylaw Compliance and Enforcement Best Practises & Procedures Manual. The policy states the following:

9.1 If an administrative application such as a land use variance application has been submitted by the Respondent and there is a reasonable likelihood of success, the BCEO will refrain from enforcement during the application process

This policy was established by the previous Bylaw Compliance & Enforcement Manager and it was adopted as a best practice only, and it was not part of any other formal policy making process.

Islands Trust Council Policy :

There are no Trust Council policies regarding ceasing enforcement and placing the file in abeyance while administrative or planning applications have been submitted and are being processed.

Official Community Plan:

There are no goals or policies regarding bylaw compliance and enforcement in the Official Community Plan.

Land Use Bylaw:

The North Pender Island Land Use Bylaw NO. 103 (LUB) states the following in regards to compliance:

2.2 Requirement for Compliance

2.2.1 Land or the surface of water in the North Pender Island Local Trust Area shall not be used, land shall not be subdivided, buildings and structures on land or on 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.

The LUB states that there shall be compliance with its regulations, and it does not contain any provisions for the delaying of enforcement when there is non-compliance, or that enforcement should be placed in abeyance when considering applications.

Issues and Opportunities

There has been concern from complainants on multiple files about the current policy of non-enforcement while the LTC is considering planning applications. While the majority of property owners subject to complaint are cooperative and bring their properties into compliance in a relatively short amount of time, there have been instances where the process has become drawn out. Complainants have stated in these circumstances that enforcement should proceed and the unlawful uses ceased when there are such long delays. This is a reasonable point of view considering that the LUB requires compliance and there may be detrimental effects to allowing unlawful uses to continue.

The proposed policy would:

1. Direct staff (bylaw enforcement and planning staff) to initially inform owners that the unlawful use should cease while an application is being considered. This will enable staff to discourage owners from filing an application to avoid bylaw enforcement actions.
2. Provide an option for the LTC, upon request from the applicant, to direct staff to refrain from issuing bylaw enforcement notices while the use is on-going to allow for circumstances of clear community need.
3. Direct bylaw enforcement staff to continue enforcement (primarily the issuing of bylaw notices) until the applicant ceases the use.
4. Finally, the policy would allow staff to make clear to applicants that the LTC will consider whether or not the use has ceased in its consideration of the application.

Rationale for Recommendation

In order for the integrity of the LUB to be maintained, enforcement action is still necessary in certain cases where owners have made applications to comply. Adopting a policy that states bylaw enforcement will continue while applications are being considered is not unreasonable, especially when non-enforcement may encourage the size and scale of non-permitted uses to be increased.

ALTERNATIVES

1. Request further information

The NPILTC may request that a more complete review of the current bylaw enforcement files take place so that they can consider whether the enforcement policy should be changed if relatively few files are affected.

2. Receive for information

The LTC may receive the report for information only.

Submitted By:	Warren Dingman, Bylaw Enforcement & Compliance Manager	January 22, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	January 22, 2020