



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: July 25, 2019
Time: 10:00 am
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

		Pages
1.	CALL TO ORDER	10:00 AM - 10:15 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	Proposal for Cannabis Retail Outlet	
7.	PUBLIC HEARING	
	none	
8.	MINUTES	11:00 AM - 11:10 AM
8.1	Local Trust Committee Minutes Dated July 4 (for Adoption)	4 - 12
8.2	Section 26 Resolutions-without-meeting Report Dated July (attached)	13 - 13
8.3	Advisory Planning Commission Minutes	
	none	
9.	BUSINESS ARISING FROM THE MINUTES	11:10 AM - 11:15 AM
9.1	Follow-up Action List Dated July 2019	14 - 16
10.	DELEGATIONS	
	none	

11. CORRESPONDENCE

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

none

12. APPLICATIONS AND REFERRALS

11:15 AM - 12:00 PM

12.1 NP-OTH-2019.1 (Heggie) - Staff Report (attached) 17 - 37

12.2 NP-OTH-2019.2 (Shaw - Lively Peak) - Staff Report (attached) 38 - 68

12.3 NP-TUP-2018.5 (Grimmer) - Staff Memo (attached) 69 - 77

13. LOCAL TRUST COMMITTEE PROJECTS

12:00 PM - 12:30 PM

13.1 Waste Management Project - Staff Report (attached) 78 - 102

13.2 James Island - Staff Memo (attached) 103 - 116

14. REPORTS

14.1 Work Program Report (attached)

12:30 PM - 12:45 PM

14.1.1 Top Priorities Report Dated July 2019 117 - 117

14.1.2 Projects List Report Dated July 2019 118 - 120

14.2 Applications Report Dated July 2019 (attached) 121 - 126

14.3 Trustee and Local Expense Report Dated May 2019 (attached) 127 - 127

14.4 Adopted Policies and Standing Resolutions (attached) 128 - 130

14.5 Local Trust Committee Webpage

14.6 Islands Trust Conservancy Report

none

15. NEW BUSINESS

none

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for September 5, 2019 10:00 AM at the Community Hall, Pender Island

17. TOWN HALL

12:45 PM - 1:00 PM

18. CLOSED MEETING (Distributed Under Separate Cover)

1:00 PM - 1:30 PM

18.1 Motion to Close Meeting

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

- *Adoption of In-Camera Meeting Minutes Dated July 4*
- *BOV Membership*
- *APC Membership*

AND that the recorder and staff attend the meeting.

18.2 Recall to Order

18.3 Rise and Report

19. ADJOURNMENT

1:30 PM - 1:30 PM



North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: July 4, 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 11 members of the public.

1. CALL TO ORDER

Chair Laura Patrick called the meeting to order at 10:01 a.m. and noted that the meeting was being live-streamed though Facebook. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following amendments were recommended:

- The Chair and Trustee reports be moved to Item 3 and the agenda be re-numbered accordingly.
- The CRD correspondence of June 28th be added under item Item 9, Correspondence.

By general consensus, the agenda was approved as amended.

NP-2019-062

It was Moved and Seconded,

that the North Pender Island Local Trust Committee adopt a standing resolution to move items 12.6 Chair's Report and 12.7 Trustees report ahead in the agenda, between the Approval of the Agenda and the Town Hall, for all future agendas.

CARRIED

3. REPORTS FROM THE TRUSTEES AND THE CHAIR

3.1 Trustee Reports

Trustee McConchie provided a report, including updates on the following topics:

- At the recent Trust Council on Galiano Island South Pender Island Trustee Steve Wright proposed a policy review that was unfortunately defeated. He highlighted his disappointment in the way the debate was handled;
- His Request for Decision was passed unanimously to introduce live streaming and videos to Islands Trust meetings; and
- Recent work on the issues at Gardom Pond, have been undertaken as a private citizen and are not associated with his work as a Trustee. The Times-Colonist had mischaracterized his efforts as being under the Islands Trust and he reaffirmed that he is operating as a private citizen.

Trustee Morrison provided a report, including the following points:

- The Local Trust Committee (LTC) passed a Resolution without Meeting (RWM) to send a letter to the Capital Regional District (CRD), requesting that they cease activity at Gardom Pond until community consultation and relevant studies have been completed; and
- Any meaningful efforts for reconciliation must include a careful consideration and conversations about the future of James Island and the other associated islands.

3.2 Chair Report

Chair Patrick reported that Trust Council is in the process of completing their strategic plan and anticipates it will be finalized in September 2019.

4. TOWN HALL AND QUESTIONS

Jaime DeBruin requested that item 3.5 of the North Pender Island Land Use Bylaw be clarified, noting that the bylaw currently allows residents to rent their home as a vacation rental while living in a secondary suite, but prohibits the same from being rented in a similar way if the homeowners dwell inside the main home.

A discussion of the bylaw was held between the LTC and staff in order to clarify the matter, the history of the bylaw, and options for amending should they choose to do so.

Michael Sketch addressed the recommendation of the staff report requesting the LTC to meaningfully consult and cooperate with First Nations. He provided wording for a related motion and requested that the LTC consider passing it.

Dale Henning spoke against the length of time that the Waste Management project has taken. He noted the volume of money that has been spent, the free zoning that has been considered, and the negative impact on local businesses. He further recommended that the Islands Trust sign at the ferry terminal be updated as it has fallen into disrepair.

5. COMMUNITY INFORMATION MEETING

None

6. PUBLIC HEARING

None

7. MINUTES

7.1 Local Trust Committee Minutes Dated May 30, 2019

By general consent the Local Trust Committee meeting minutes of May 30, 2019 were adopted as presented.

7.2 Section 26 Resolutions-without-meeting Report

None

7.3 Advisory Planning Commission Minutes

None

8. BUSINESS ARISING FROM THE MINUTES

8.1 Follow-up Action List Dated June 2019

Regional Planning Manager (RPM) Kojima provided an overview of the Advisory Planning Commission (APC) and noted the closing date for applications for APC members. In response to questions, information was provided on the NP-TUP-2019.1 (Vermeeren) and NP-TUP-2018.5 (Grimmer) applications.

It was requested that the environmental assessment of the McDonald Farm property include an assessment for a potential waste transfer site use. Staff were asked to provide an update on the process and recommendations on other agencies that should be involved at the next Regular Business meeting, scheduled for July 25, 2019.

9. DELEGATIONS

None

10. CORRESPONDENCE

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

10.1 Capital Regional District Correspondence of June 28, 2019

Trustee McConchie provided an overview of the correspondence regarding the CRD's decisions for Gardom Pond. He spoke against their use of the word "naturalize" and requested that the CRD address the issues raised regarding their chosen process. He stressed the importance of addressing these matters in light of the Climate Change Emergency.

NP-2019-063

It was Moved and Seconded,

that the the North Pender Island Local Trust Committee request that staff draft a letter from the Chair to respond to the Capital Regional District with a letter noting the following points:

- 1) Thanking the Capital Regional District for their correspondence, naming that they did not address the points of the original Local Trust Committee letter, and requesting clarification;
- 2) Noting that their justification of the dam removal is not consistent with the federal grant money which can also be used for climate change resilience work.

CARRIED

11. APPLICATIONS AND REFERRALS

11.1 Saturna Island Local Trust Committee Bylaw 127 Referral

RPM Kojima provided an overview of the referral.

The LTC discussed the implications of Commercial Vacation Rentals and information that could be considered in making decisions. They recommended that the Saturna LTC consider mandating local ownership to prevent speculators.

NP-2019-064

It was Moved and Seconded,

that the North Pender Island Local Trust Committee respond to Saturna Island Local Trust Committee Bylaw Number 127 Referral with “Interests Unaffected by Bylaw”.

CARRIED

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Waste Transfer - Staff Report

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

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

- Whether environmental assessments need to be completed on relevant lands prior to the passing of the bylaw;
- The process moving forward and the practical ways in which community members can object to specific sites and operators can apply to operate on specific lands; and
- Postponing the Community Information meeting, referral timing and process, and timeline for decision making.

NP-2019-065

It was Moved and Seconded,

that the North Pender Island Local Trust Committee endorse the attached Project Charter, dated July 2019.

DEFEATED

A discussion of the recommendations was held.

NP-2019-066

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to remove item 2.7 from the draft Bylaw 215.

CARRIED

NP-2019-067

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that staff include the Mainroad site and the MacDonald Farm site as previously identified, for limited transfer, in the draft Bylaws 214 and 215.

CARRIED

Trustee McConchie opposed

NP-2019-068

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that staff replace the phrase “waste management” with “discarded materials management” in key definitions in the draft Bylaws 214 and 215.

CARRIED

A discussion was held regarding commercial composting and the permit options available for operators under the current bylaws.

NP-2019-069

It was Moved and Seconded,

that the North Pender Island Trust Local Trust Committee request staff to schedule a community information meeting at the September Local Trust Committee regular meeting.

CARRIED

NP-2019-070

It was Moved and Seconded,

that the North Pender Island Trust Local Trust Committee endorses the attached project charter dated July 2019, as amended.

CARRIED

12.2 Development Permit Area (DPA) Education Contact Draft Mail-Out

RPM Kojima provided an overview of the report and noted that draft copies of the mail-outs were included for LTC comment.

The following recommendations for revisions were made:

- Header be amended to highlight the purpose of protecting the eco-systems;
- Introduction added that outlines the purpose of using DPAs to ensure that the Islands Trust can preserve and protect these areas;
- Addition of the costs associated with violating regulations associated with the DPAs; and
- Information to highlight that residents should ask for information if they are unsure, before proceeding with work in a DPA.

13. REPORTS

13.1 Work Program Report

13.1.1 Top Priorities Report Dated June 2019

The following requests were made:

- An update on each project and projected timelines; and.
- Information on how the LTC can address the zoning on the ALR land. The property owners should speak to the planner prior to the next meeting so that the LTC can discuss the matter at that time.

13.1.2 Projects List Report Dated June 2019

It was recommended that the Projects List be revised to eliminate items that are no longer relevant. Trustee Morrison agreed to review the list and report back with recommendations at the next meeting.

13.2 Applications Report Dated June 2019

Information was requested and received on NP-DP-2018.5A discussion was held regarding the requirement of proof of water and regulations for approval of rain water catchment. It was confirmed that rain water catchment is not prohibited by LTC bylaw.

Information was requested on the application for a cannabis dispensary.

13.3 Trustee and Local Expense Report

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

No comments were made.

12.6 Islands Trust Conservancy Report Dated May 2019

There was discussion on how to encourage the Islands Trust Conservancy to purchase land on the islands.

13. NEW BUSINESS

13.1 Meeting Procedure Amendment Bylaw No. 221

NP-2019-071

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 221, cited as “North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 156, 2004, Amendment No. 1, 2019”, be adopted.

CARRIED

13.2 Standing Resolution - Reconciliation Report

RPM Kojima provided an overview of the report and the recommended resolution.

During discussion it was noted that initiatives for reconciliation are better supported when there are funds available. It was also reported that the Executive Committee has requested to meet with the relevant Provincial ministers in an effort to secure additional resources and support.

NP-2019-072

It was Moved and Seconded,

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.

CARRIED

Trustee Morrison noted that a member of the public, Michael Sketch, had recommended a motion related to reconciliation.

NP-2019-073

It was Moved and Seconded,

that the North Pender Island Local Trust Committee resolve to consult with the Tsawout First Nation and with Islands Trust Conservancy respecting amendment of parts of the Associated Islands Official Community Plan and Land Use Bylaw, as well as the associated covenants such that, upon subdivision of James Island:

- a. Land which is significant to the Tsawout both culturally and for its resources, shall be accessible to the Tsawout by means of parkland dedication and/or ownership and said access may be furthered by covenant and/or development permit areas and
- b. The Islands Trust Conservancy shall own land which will preserve and protect both environmentally and culturally sensitive land to benefit residents and the people of British Columbia generally – and in particular the Tsawout First Nation.

And further that said consultation precedes and directs the substance of draft amending bylaws.

RPM Kojima provided an overview of the bylaws related to James Island and the covenants held by a variety of agencies.

A discussion of the proposed resolution was held.

By general consent, consideration of motion NP-2019-073 was postponed to the next meeting with the understanding that staff will provide a staff report regarding the implications of the resolution.

13.3 Model Cell Tower Strategy - Staff Briefing

RPM Kojima provided an overview of the briefing document.

NP-2019-074

It was Moved and Seconded,

That the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for July 25, 2019, at the Community Hall, Pender Island

15. TOWN HALL

Mike Burdett requested information on why the parties interested in commercial composting are not part of the conversation on waste management.

Mick Collins addressed the use of Temporary Use Permits (TUPs) for Short Term Vacation Rentals (STVRs) and provided a rationale for cautioning the LTC against reserving the last LTC's process for TUPs.

Michael Sketch addressed the matter of inter-island referrals, noting its importance and examples in which it has been beneficial. He recommended that additional criterion for DPAs be added for Protection of First Nations sites.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion To Close Meeting

NP-2019-075

It was Moved and Seconded,

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

- Adoption of In-Camera minutes dated May 30, 2019
- Appointment of BOV Members

AND that the recorder and staff attend the meeting.

CARRIED

The meeting was closed at 12:25 p.m.

16.2 Recall To Order

Chair Patrick recalled the meeting to order at 1:06 p.m.

16.3 Rise and Report

Chair Patrick reported that the North Pender Island Local Trust Committee passed a resolution that the deadline for Board of Variance applications be extended until July 18, 2019.

17. ADJOURNMENT

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

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



Islands Trust

Print Date: July 18, 2019

Resolutions Without Meeting

North Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2019-01	In Favour	That the Chair of the North Pender Island Local Trust Committee write to the Capital Regional District Board to request that the Capital Regional District stop all activities around modifying the Gardom Pond Dam, undertake community wide public consultation, and undertake further study of the nature of the pond as a resource in a changing climate.	19-Jun-2019

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. 3. Staff to schedule a CIM once TUP is drafted	Phil Testemale William Shulba	Target: 30-Sep-2019	In Progress

04-Jul-2019

Activity	Responsibility	Dates	Status
1 6.1 Minutes adopted as presented	Maple Hung	Target: 11-Jul-2019	Completed
2 9.1 Correspondence: staff to prepare letter for Chair's signature responding to CRD letter	Robert Kojima	Target: 11-Jul-2019	Completed
3 10.1 Saturna bylaw No. 127 - interests unaffected	Gary Richardson Sharon Lloyd-deRosario	Target: 11-Jul-2019	Completed



Follow Up Action Report

North Pender Island

04-Jul-2019

Activity	Responsibility	Dates	Status
4 11.1 Waste Transfer - Remove section 2.7 from bylaw 215 - Revise bylaws to include mainroad and mcdonald farm sites, change "waste management" to discarded material management in key definiitons and headings. - project charter endorsed as amended - CIM to be scheduled forSeptember LTC meeting	Robert Kojima	Target: 11-Jul-2019	Completed
5 11.2 DPA education - make revisions to drafts as discussed and proceed	Phil Testemale	Target: 18-Jul-2019	In Progress
6 13.1 Meeting procedure bylaw amendment no 221 adopted, bylaw to be consolidated	Sharon Lloyd-deRosario	Target: 11-Jul-2019	In Progress
7 13.3 First Nations reconciliation Standing Resolution adopted	Robert Kojima Sharon Lloyd-deRosario	Target: 11-Jul-2019	Completed
8 13.3 Model Cell tower Strategy endorsed as a standing resolution	Robert Kojima Sharon Lloyd-deRosario	Target: 11-Jul-2019	Completed
9 16.3 Rise and Report - - Board of Variance appointments: extended for two weeks to July 18th to allow for additional applications - Minutes of the May 30th meeting adopted as presented (MH completed this)	Maple Hung Sharon Lloyd-deRosario	Target: 11-Jul-2019	Completed

Follow Up Action Report

North Pender Island

04-Jul-2019

Activity	Responsibility	Dates	Status
10 1. Agenda template to be amended to move chair and trustee reports to follow approval of agenda	Robert Kojima Sharon Lloyd-deRosario	Target: 10-Jul-2019	Completed
11 Staff to report at the July meeting with a report on the status of Grimmer TUP , the terms of reference, and options for enforcement	Phil Testemale	Target: 17-Jul-2019	Completed
12 Staff to provide a brief summary of James Island bylaws and covenants	Robert Kojima	Target: 18-Jul-2019	Completed



DATE OF MEETING: July 25, 2019
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale
Southern Team
SUBJECT: Referral for Non-Medical Cannabis Retail Store
Applicant: Amy Heggie – *Pender Island Naturals*
Location: Unit 3, 'Driftwood Mall' (4418 Bedwell Harbour Rd.)

RECOMMENDATION

1. That the North Pender Island Local Trust Committee directs staff to send a response to the Liquor and Cannabis Regulation Branch regarding the Non-Medical Cannabis Retail Store at 4418 Bedwell Harbour application that states:
 - a. The proposed location of the non-medical cannabis retail store is considered to be suitable,
 - b. The potential general impacts on the community if the application is approved *would be minimal,*
 - c. The Local Trust Committee has solicited public input to gather residents' views (*and ## residents provided written or verbal comments*),
 - d. A notice of the application was hand-delivered to occupants within 500 metres of the subject property, mailed to the owners of those properties, posted on local bulletin boards, and posted on the North Pender Local Trust Committee webpage. Residents were invited to provide written submissions or attend a community information meeting,
 - e. A community information meeting was held on July 25, 2019 to gather residents' views about the application.
 - f. The residents' views were generally (*in support or in opposition or neutral..... or of the ## comments received # were supportive, # were opposed or had concerns and # were neutral*) about the application
 - g. The Local Trust Committee agrees with the residents' views that (*the application should be supported or the application should be denied or the application should include the following restrictions.....*)
 - h. The Local Trust Committee recommends the application (*be approved, or not be approved or the application should be approved with the following restrictions.....*)

2. That the North Pender Island Local Trust Committee directs staff to include a record of the community information meeting with the response Liquor and Cannabis Regulation Branch regarding the Non-Medical Cannabis Retail Store at 4418 Bedwell Harbour Road application.

REPORT SUMMARY

This referral is from the provincial Liquor and Cannabis Regulation Branch (LCRB) and is for an application to operate a **non-medical cannabis retail store** in Unit 3 of the 'Driftwood Mall' – 4418 Bedwell Harbour Rd. on North Pender Island (Attachment 3).

To facilitate the provincial requirement for the Local Trust Committee (LTC) to gather residents' views and make a recommendation on the application, resolutions have been outlined above; however, the LTC will need to complete the details pending information and comments from the community. Response options are shown in italics for the LTC's convenience.

Once passed, the LTC's resolutions will be forwarded to the LCRB to consider when making decision on the application.

BACKGROUND

Background on the regulatory framework for the production, distribution and sale of cannabis including federal, provincial and local government roles is outlined in the staff report prepared for the LTC's consideration of the standing resolution on the processing of non-medical cannabis retail license applications at the September 6, 2018 Regular Meeting and can be viewed here: <http://www.islandstrust.bc.ca/media/346319/np-ltc-2018-09-06-agd-pkg.pdf>

Under the *BC Cannabis Control and Licensing Act (BCCLA)*, the LCRB is required to notify the local government or Indigenous nation for the area in which a retail establishment is proposed to be located or is located. Upon receipt of notification, the applicable local government must take into account any prescribed criteria and, in the prescribed circumstances, gather the views of residents by one or more of the following methods:

1. By receiving written comments in response to a public notice of the application;
2. By conducting a public hearing in respect of the application;
3. By holding a referendum;
4. By using another method the local government or Indigenous nation considers appropriate.

The BCCLA further states that a licence must not be issued or amended unless the local government for the area gives a recommendation that the licence be issued or amended.¹

In BC, the wholesale distribution of non-medical cannabis is solely through the Liquor Distribution Branch (LDB). The LDB operates government-run retail stores and LCRB is responsible for licensing and monitoring the retail sector using a mixed public/private model.

¹ *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

Local governments have delegated authority from the Province, through the *Local Government Act (LGA)*, to regulate, through zoning regulations, the location, size, and siting of cannabis businesses.

It is noted that if the LTC recommends support, the application will be subject to further licencing requirements by the LCRB, particularly a 'fit and proper' assessment, and that may result in the application to not being successful.

LTC Standing Resolution

As stated above, the LTC of the day passed the following standing resolution at its September 6, 2018 regular Meeting:

NP-2018-070

It was MOVED and SECONDED,

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:
 - Name of the applicant and a description of the proposal in general terms.
 - The location of the proposed establishment and the subject site.
 - The place, date and time when, both a build meeting will be held and a resolution of the Local Trust Committee is considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application.
 - How public comments may be submitted to the local trust committee.

CARRIED

As the local land use authority ('local government'), the LTC is required to provide recommendations and comments on the application through a referral process. Consistent with the above standing resolution, staff have initiated the following to gather residents' views:

- Scheduled a Community Information Meeting (CIM) as part of this (July 25, 2019) LTC Regular meeting;
- Hand-delivered notices to properties within 500 metres of the subject property and mailed notices to the owners of those properties; and,
- Posted a notice on the community bulletin boards and the North Pender Local Trust Committee webpage.

A copy of the notice is attached to this report as Attachment 5. It is noted that in consultation with the LTC, the prescribed advertisement in a local periodical has been waived. This was due primarily to the cut-off date for

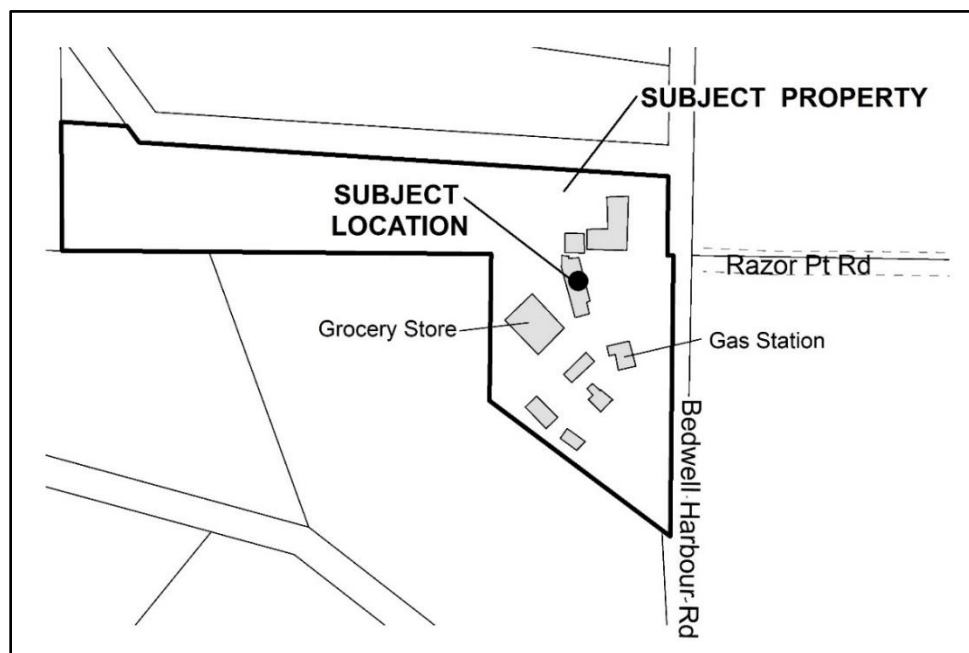
the July issue of the Pender Post coinciding with receipt of fees and the file been assigned to a planner. Therefore there was insufficient time to place an ad for this meeting.

Application Details

LCRB and the applicant have provided the following information on the proposal:

- **Location:** Unit #3, 4418 Bedwell Harbour Road – ‘The Driftwood Centre’ (see Figure 1)
- **Size:** approximately 65 m² (700 ft²)
- **Products:** cannabis products and items related to cannabis only i.e.: bonges, rolling papers, vapes, etc.
- **Hours of Operation:** 10 a.m. to 6 p.m. daily
- **Other Details:**
 - The windows will be frosted so as to prevent anyone from looking in (Provincial requirement)
 - Signage: ‘Pender Island Naturals’ is intended to be discrete.
 - There will be no alterations to the exterior requiring a building permit².

Figure 1: Subject Property/Location



² Any alteration to the exterior of the building would require that a Development Permit be obtained as the location is within **Development Permit Area 9: Industrial and Commercial Form and Character**.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no directive policies relevant to this referral.

Official Community Plan:

The subject property is designated as **Commercial (C)**, **Community Service (CS)** and **Tourist Commercial (TC)** in the North Pender Island Official Community Plan Bylaw No. 171, 2007 (see: Attachment 2.2: OCP Designations).

The following Objectives and policies for Commercial designated lands are relevant:

2.4 Commercial Land Uses

Commercial Objectives

- 1) To encourage on-island commercial enterprises and minimize reliance on off-island travel.
- 2) To provide for economic opportunities that are compatible with conservation of resources and protection of community character.
- 4) To protect the character and integrity of quiet residential and rural neighbourhoods.

General Commercial Policies

- 2.4.1 Commercial development shall be small scale, low density business enterprise designed to meet the needs of residents and visitors.
- 2.4.5 Commercial proposals which would have significant deleterious effects on adjacent land uses will not be permitted.

Development Permit Area (DPA) Nine – Commercial and Industrial Form and Character is designated on the Commercial and Tourist Commercial portions of the property (Attachment 2.3). The proposal does not require a DP.

Land Use Bylaw:

The property is split-zoned **Commercial 1 (C1)** Service (SD) and **Commercial 2 (C2f)** in the North Pender Island Land Use Bylaw No. 103, 1996. (Attachment 2.1) The location of the proposed store is within the **Commercial 1 (C1)** portion.

The proposed **retail** use conforms to the Land Use Bylaw.

Issues and Opportunities

Location

The proposed location is in an established commercial mall with compatible uses; is accessible; and has sufficient infrastructure, particularly parking. The location is also distant from any school, park or a residential area (i.e. Rural Residential) with significant density. As above, the subject property has the appropriate zoning for the use. Given the foregoing, staff consider that the proposed location is suitable.

Impacts of Use

The proposed non-medical cannabis retail application may be of concern to the public. The public may identify other concerns or issues not previously forwarded to staff or discussed with Local Trustees and therefore public input is important to fully consider potential impacts.

As noted above, based on feedback from the notification and consultation process, the LTC is required to comment on:

- The suitability of the proposed location;
- The general impact on the community if the application is approved; and,
- Residents' views as gathered through the consultation process.

While staff do not anticipate any significant impacts from the proposed non-medical cannabis retail store, the local neighbourhood and greater community may feel otherwise.

Consultation

Statutory Requirements

As detailed above, to gather input from the public, staff have scheduled a CIM for this meeting and hand delivered notice to occupants within 500 metres of the subject property, mailed notice to the owners of those properties, posted the notice on the community bulletin boards and on the North Pender Local Trust Committee webpage. A copy of the notice is Attachment 5 and background information has been made available on the North Pender page of the Islands Trust website.

At the time of writing, no written comments have been received. If any comments are received they will be brought to the LTC's attention at the July 25, 2019 meeting.

The results of the consultation are required in the form of a resolution(s) from the LTC and will be forwarded to the LCRB.

Rationale for Recommendation

Staff have outlined the resolutions on page 1 of this report to facilitate the requirements of gathering residents' views as mandated from LCRB. The LTC will need to complete the details pending information and comments from the community.

ALTERNATIVES

1. Request further information

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

NEXT STEPS

- If the LTC recommend against the application, the application will not proceed as a licence application must not be issued by LCRB or amended unless the local government for the area gives a recommendation that the licence be issued or amended.
- If the LTC recommends in support, or support with conditions, the LCRB will complete further licencing procedures and either issue or deny the application.

Submitted By:	Phil Testemale	July 17, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	July 17, 2019

ATTACHMENTS

1. Site Context
2. Maps and Photographs
3. Referral Letter from LCRB (May 29, 2019)
4. 'Local Governments' Role in Licencing Non-Medical Cannabis Retail Stores' (LCRB, online: https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/local_government_role_in_licensing_cannabis_retail_stores.pdf)
5. Notice

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 1, Sections 10 and 15, Pender Island, Cowichan District, Plan VIP 59811
PID	018-948-413
Civic Address	4605 Bedwell Harbour Road
Property Size	4.08 hectare (10.8 ac)

LAND USE

Current Land Use	Commercial Retail – Driftwood Mall
Surrounding Land Use	The property is surrounded by properties of varying size zoned Rural, Agricultural, or National Park.

HISTORICAL ACTIVITY

File No.	Purpose
NP-DP-2008.1	Overall development plan
NP-DP-2015.3	Amendments to NP-DP-2008.1 for facades, landscaping and parking – expired
NP-DP-2015.6	Minor amendments for ‘Bistro’ entrance, outdoor garden store and parking.
NP-DP-2016.6	Amendments to alter facades of Buildings ‘A’, ‘B’ and ‘C’, landscaping and parking plan.
NP-DP-2018.2	Further Alterations (towers / NP-DP-2016.6)

POLICY/REGULATORY

Official Community Plan Designations	The subject property is designated as Commercial (C) , Community Service (CS) and Tourist Commercial (TC) in the North Pender Island Official Community Plan Bylaw No. 171, 2007 (see: Attachment 2.2: OCP Designations). Development Permit Area (DPA) Nine – Commercial and Industrial Form and Character is designated on the Commercial and Tourist Commercial portions of the property (Attachment 2.3).
Land Use Bylaw	The property is split-zoned Commercial 1 (C1) Service (SD) and Commercial 2 (C2f) in the North Pender Island Land Use Bylaw No. 103, 1996. (Attachment 2.1) The location of the proposed store is within the Commercial 1 (C1) portion. The proposed use conforms to the Land Use Bylaw.
Other Regulations	
Covenants	There are no LTC or other covenants registered on the property.
Bylaw Enforcement	There is an active enforcement file on the subject property (NP-BE2013.5) This Enforcement was initiated for insufficient parking (resolved), dumping and burning of waste material and depositing a large pile of gravel. The file

	is open. Many of the issues have been mitigated with the TUP for the adjacent parcel.
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SITE INFLUENCES

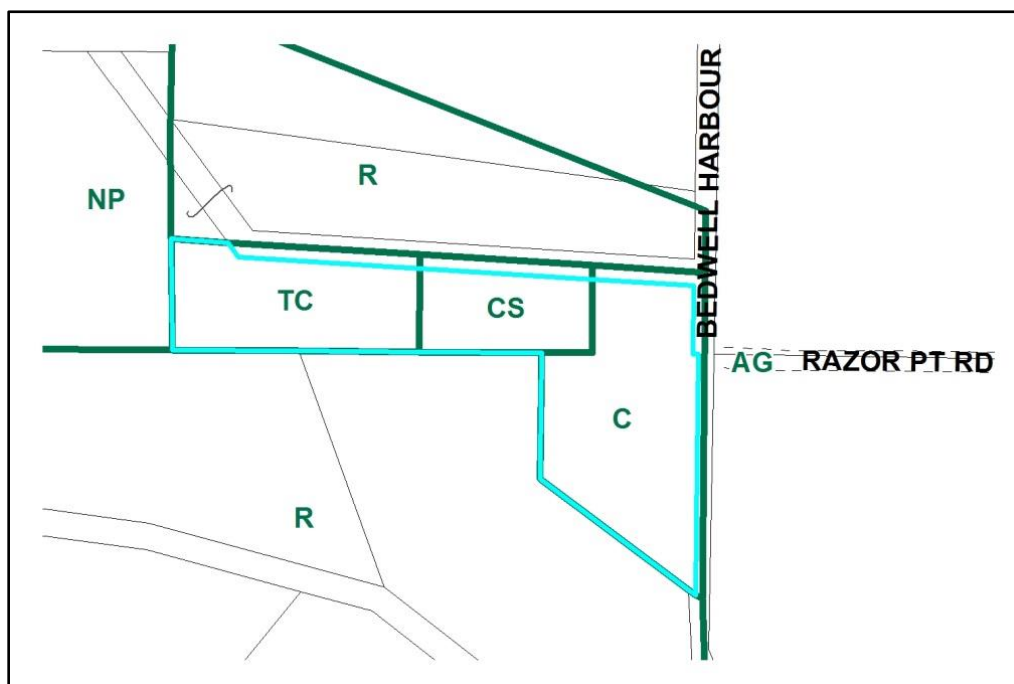
Islands Trust Conservancy	There are no ITC covenants or properties in proximity to the proposed development.
Regional Conservation Strategy	The proposal does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	There is a small portion of the property that has mature forest sensitive ecosystem values. The area is on the western periphery of the Commercial 1 (C1) area and the current proposal does not affect this area. There are only small occurrences of low and medium slope hazard on the western periphery of the Commercial 1 (C1) area of the property. The current proposal is unaffected.
Hazard Areas	N/A
Archaeological Sites	There is no development proposed and there are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no development proposed with the current referral

ATTACHMENT 2 – MAPS AND PHOTOGRAPHS

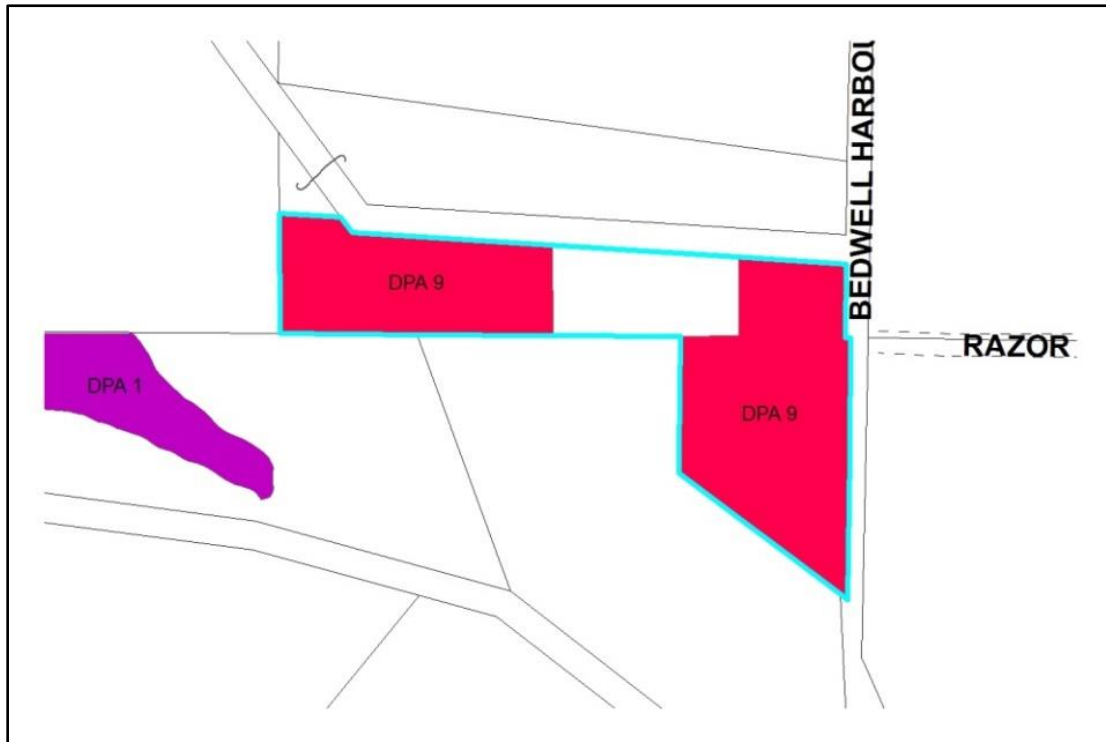
2.1 ORTHOPHOTO WITH ZONING



2.2 OCP DESIGNATIONS



2.3 DEVELOPMENT PERMIT AREAS



2.4 PHOTOGRAPHS OF FRONT OF UNIT 3 – PROPOSED LOCATION





Job #001830

May 29, 2019

via email: information@islandstrust.bc.ca

Planning Department
Island Trust – North Pender Island

To whom it may concern

Re: Application for a Non-Medical Cannabis Retail Store Licence
Applicant: Amy Louise Heggie
Proposed Establishment Name: Pender Island Naturals
Proposed Establishment Location: 4605 Bedwell Harbour Rd

The Applicant, Amy Louise Heggie, has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence proposed to be located at the above-noted address. The applicant is requesting operating hours from 10:00am to 9:00pm, seven days a week. The applicant contact is Amy Heggie and can be reached at 250 686 0658 or via email at amy.heggie@shaw.ca.

Local governments and Indigenous nations are a crucial part of the licensing process. Section 33(1) of the [Cannabis Control and Licensing Act](#) prevents the LCRB from issuing a CRS licence without a positive recommendation regarding the CRS licence application from the local government or Indigenous nation.

The LCRB is requesting Island Trust – North Pender Island to consider the application and provide the LCRB with a written recommendation with respect to the application. To assist with your assessment of the application, a site map of the proposed cannabis retail store is attached. The following link opens a document which provides specific and important information and instructions on your role in the CRS licensing process, including requirements for gathering the views of residents.

[Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores](#)

OR

[Indigenous Nations' Role in Licensing Non-Medical Cannabis Retail Stores](#)

The LCRB will initiate an applicant suitability assessment regarding this CRS application, also known as a “fit and proper” assessment, which is comprised of financial integrity checks and security screenings of the applicant and persons associated with the applicant. Once the

**Liquor and Cannabis
Regulation Branch**

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8

Location:
645 Tyee Road
Victoria BC V9A 6X5
Phone: 250 952-5787
Facsimile: 250 952-7066

Website:
[www.gov.bc.ca/cannabisregulation
andlicensing](http://www.gov.bc.ca/cannabisregulationandlicensing)

assessment is complete, you will be notified of the LCRB's determination. You may choose to withhold your recommendation until the LCRB has made a final decision regarding the applicant's suitability.

If you choose not to make any recommendation regarding this application, please contact the LCRB at the earliest convenience. Please note that a Cannabis Retail Store Licence cannot be issued unless the LCRB receives a positive recommendation from the local government or Indigenous nation. Similarly, if a local government or Indigenous nation decides not to make any recommendation, the LCRB will not consider the application any further.

If you have any questions regarding this application please contact me at 778 698 5417 or Paige.Johns@gov.bc.ca.

Sincerely,

Paige Johns
Senior Licensing Analyst

Attachment

copy: Amy Heggie



Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores

If you have any questions about this document, please contact the Liquor and Cannabis Regulation Branch toll-free at 1-866 209-2111, or email cannabisregs@gov.bc.ca. NOTE: This document will be updated from time to time as additional information surrounding the regulatory framework for cannabis retail sales becomes available. (Last updated 20 December, 2018)

Non-medical cannabis retail licence

The province will be issuing licences for non-medical cannabis retail stores. A cannabis retail store must be a standalone business. This licence requires input and a positive recommendation from a local government in whose area the proposed store is located.

The province recognizes the importance of ensuring carefully regulated access to non-medical cannabis in all areas of the province, including rural areas.

As a first step, the province will open opportunities to apply for regular retail licences. Once the regional distribution of retail non-medical cannabis stores is known, the province will consider issuing licences to service rural or remote areas that are not sufficiently served by existing retail cannabis stores.

The role of local governments in the cannabis retail store licensing process

Applicants for a non-medical cannabis retail store licence must submit a licence application to the LCRB. When an application is received, the LCRB will notify the local government of the area where the proposed store will be located.

Upon receipt of notice, local governments can:

- choose not to make any recommendation in respect of the application for a cannabis retail store licence (Note: this would end a licence application in progress because the LCRB cannot issue a licence unless the local government gives the LCRB a positive recommendation that the licence be issue)
- choose to make comments and recommendations in respect of an application for a cannabis retail store licence. Note that:
 - if the local government chooses to make a comments and recommendation on the licensee's application to the LCRB, it must gather the views of residents
 - if it makes a recommendation to deny the application then the LCRB may not issue the licence
 - if it makes a recommendation in favour of the application, then the LCRB has discretion whether or not to issue the licence, but must consider the local government's recommendation.

Local Governments (municipalities, regional districts or Islands Trust local trust committees) have some or all of the following regulatory powers in respect of cannabis retail store licences:

- Impose restrictions in its zoning bylaws regarding the location of cannabis retail stores. Temporary zoning for cannabis retail stores will be accepted provided local governments monitor and enforce the temporary zoning requirements. LCRB must be notified if temporary or permanent zoning for a cannabis retail store is cancelled.
- Regulation of business (municipalities only): by terms and conditions in its business licensing bylaw, a municipality may limit the hours that cannabis retail stores can operate or impose other conditions such specifications regarding signage
- Charge the applicant fees if choosing to assess an application.

The above process applies to all relocations of existing cannabis retail stores.

Gathering residents' views

If the local government decides to consider the notice of application and to provide comments and recommendations as to the location of the proposed retail store, it must gather the views of residents of the area if the location of the proposed store may affect nearby residents. It may gather resident's views by using one or more of the following methods:

- Receiving written comment in response to a public notice of the application
- Conducting a public hearing in respect of the application
- Holding a referendum, or
- Using another method the local government considers appropriate.

It is up to the local government to determine the area, relative to the licensee's application, where resident's views must be gathered.

Please note: Gathering the views of residents of the area/providing a recommendation to the LCRB must be unique to each provincial licence application. In other words, past recommendations cannot be used in a new licensing process. Each individual application must be considered separately by the local government.

What must the local government's recommendation include?

The recommendations and comments the local government provides to the LCRB must:

- be in writing (this may or may not be in the form of a resolution)
- show that the local government has considered the location of the proposed store
- include the views of the local government on the general impact on the community if the application is approved
- include the views of residents if the local government has gathered residents' views, and a description of how they were gathered
- include the local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

The local government should also provide any supporting documents referenced in their comments.

What if the local government does not want to provide a recommendation?

If a local government does not want to accept the notice of application and provide a recommendation for the proposed retail location, they should notify the LCRB. A licence for a cannabis retail store will not

be issued without a positive recommendation from a local government. If a response is not received, LCRB will not consider the application any further.

What if the recommendation does not meet the regulatory requirements?

If the recommendation does not meet the regulatory requirements, the LCRB will ask the local government to provide new or amended comments that address outstanding issues.

How long does the local government have to provide comments?

Unlike in the process for liquor licensing, local governments are not required to provide a recommendation on a cannabis retail store application within a specific time period. Please note that delays in the application process can have a significant impact on the applicant. If the applicant is the reason for the delay, please notify the LCRB. If the applicant is not trying to move an application forward, the application can be cancelled.

Can the local government recommend approval subject to certain conditions?

In some circumstances, the local government can recommend that the LCRB approve the application as long as certain restrictions (e.g. hours of operation) are placed on the licence. In these situations, the recommendation should clearly explain the rationale for placing restrictions.

If the local government intends to request that the LCRB impose terms and conditions on a licence, prior to sending such a recommendation the local government should consult with the LCRB so that the LCRB can determine whether it has the authority to impose the requested terms and conditions before finalizing their conditional recommendation.

The local government may also have the ability to impose other operating rules on the proposed store through the terms and conditions of the applicant's business licence, zoning or bylaw. The local government is responsible for enforcing these rules.

Floor Plans

Applicants must submit a floor plan with their licence application for approval so the LCRB can identify store features such as sales, storage and delivery areas. Unlike for some kinds of liquor licence applications, local governments are not required to provide occupant load stamps or approve the applicant's floor plans as part of the provincial licensing process for cannabis retail stores.

A municipal council or regional district board can delegate authority to their staff to provide comments and a recommendation to the LCRB

A municipal council or regional district board may delegate its powers and duties to provide comments and a recommendation to the LCRB regarding a cannabis retail store licence application. If a council or board has delegated this authority, a cannabis retail store applicant may ask for comments and recommendations made by delegated staff to be reconsidered by the local government.

Council as defined in the Vancouver Charter:

A Council, as defined in the *Vancouver Charter*, choosing to delegate to its staff must establish procedures for a reconsideration of comments and recommendations made by delegated staff, including how a cannabis retail store applicant may apply for reconsideration. In undertaking a reconsideration, the Council will have the same authority as it delegated to staff.

Right of reconsideration:

Delegated local government staff must advise the cannabis retail store licence applicant that the applicant has the right of reconsideration of the staff's recommendation by the council or board.

How local governments inform the LCRB of delegation:

A local government that has delegated authority to staff should send a copy of the delegation to the LCRB at Cannabis.Licensing@gov.bc.ca.

Revised
September
2018



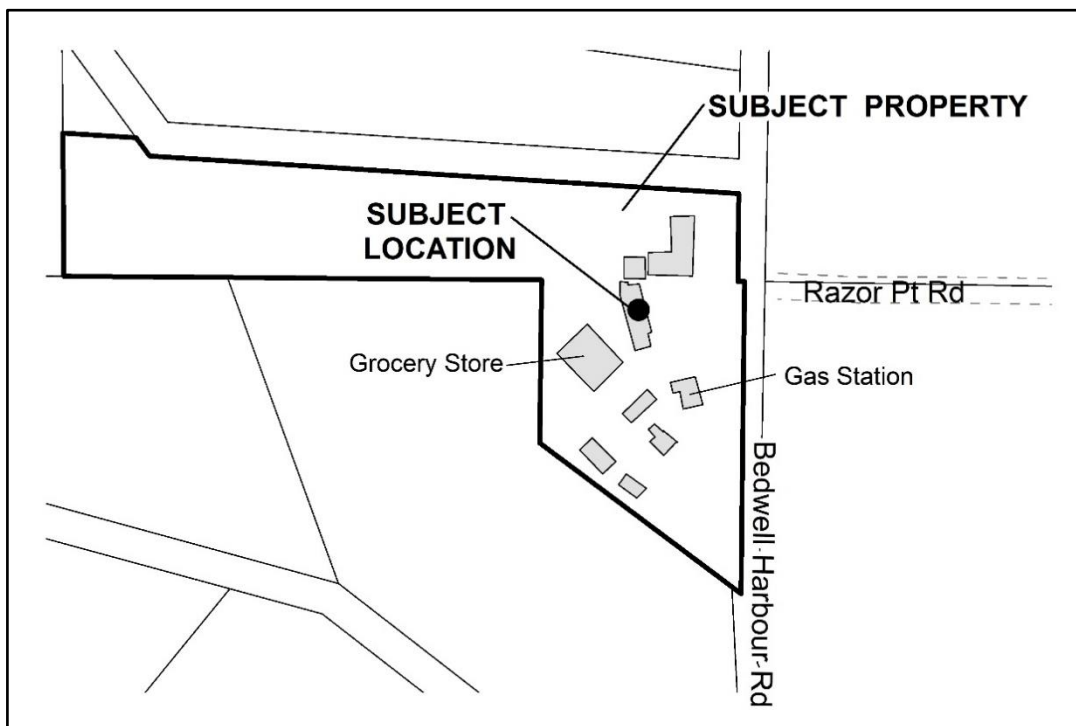
NOTICE

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE APPLICATION FOR A NON-MEDICAL CANNABIS RETAIL STORE

Pender Island Naturals has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a **Non-Medical Cannabis Retail Store**. As local government, the North Pender Island Local Trust Committee (LTC) is required to consider the application and provide the LCRB with a written recommendation.

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, July 25, 2019**, starting at **10 a.m.**, at the **Community Hall, 4418 Bedwell Harbour Road, Pender Island**.

The property subject to this application is located at 4605 Bedwell Harbour Road (Unit 3 - Driftwood Mall), as shown on the map (below). The subject property is zoned **Commercial One (C1) zone** and **Retail** is a permitted use.



The following has been requested as part of the application to the LCRB:

- Operating Hours: 10 a.m. to 6 p.m., seven days a week.
- Retail sale of cannabis and products and items associated with cannabis.
- The unit will have a security system installed.
- Windows will be obscured (frosted) to prevent viewing from the exterior of the unit.

Copies of background documents may be inspected 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 the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **July 12, 2019** and continuing up to and including **July 23, 2019**.

Written comments concerning the application may be delivered to:

1. the office of the Islands Trust by mail at #200 - 1627 Fort Street, Victoria, B.C. V8R 1H8, or by Fax (250)405-5155, prior to **4:30 p.m. July 23, 2019**; or
2. by delivery to the Local Trust Committee at the Community Information Meeting starting at **10:00 am July 25, 2019**.

Reasonable efforts will be made to provide email comments, if they are opened and received, to the North Pender Island Local Trust Committee for consideration, but the public should not rely on email as a means of providing a written comment. Email submissions should be sent to information@islandstrust.bc.ca.

Written submissions made in response to this notice will be available for public review.

Inquiries regarding the proposed application may be directed to Phil Testemale, Planner 2 at (250) 538-5170 or ptestemale@islandstrust.bc.ca, or for Toll Free access, request a transfer via Enquiry BC (in Vancouver 660-2421 and elsewhere in BC 1-800-663-7867).

The North Pender Island Local Trust Committee may consider a resolution with a recommendation for this application during the regular business meeting immediately following the Community Information Meeting on July 25, 2019, at the Community Hall on North Pender Island.

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

DATE OF MEETING: July 25, 2019

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale
Southern Team

SUBJECT: Consultation for Proposed Extension of Lively Peak Communications Tower – Preliminary Report
Applicant: Shaw Cablesystems GP c/o Todd Musat,
Location: Lively Peak (Portion of Lot A, Section 10, Pender Island, Cowichan District, Plan 30588 – 4628 Ketch Road, Lively Peak Park - CRD)

RECOMMENDATION

1. That the North Pender Island Local Trust Committee proceed with public consultation for application NP-OTH-2019.2 (Shaw Communications) as specified in Attachment 6 ('Public Consultation Plan'); and,
2. That the North Pender Island Local Trust Committee direct staff to undertake notification and schedule a community information meeting in coordination with the proponent.

REPORT SUMMARY

The purpose of this preliminary report is to provide background information on the referral of the proposal by Shaw Cablesystems G.P. (Shaw) to extend the existing communications tower on Lively Peak, and to seek direction from the North Pender Local Trust Committee (LTC) to endorse a consultation process and schedule a community information meeting as part of that process.

The above recommendations are supported as they will advance the public consultation process for the referral thereby providing required public input into the LTC's future consideration of a statement of concurrence or non-concurrence with the project.

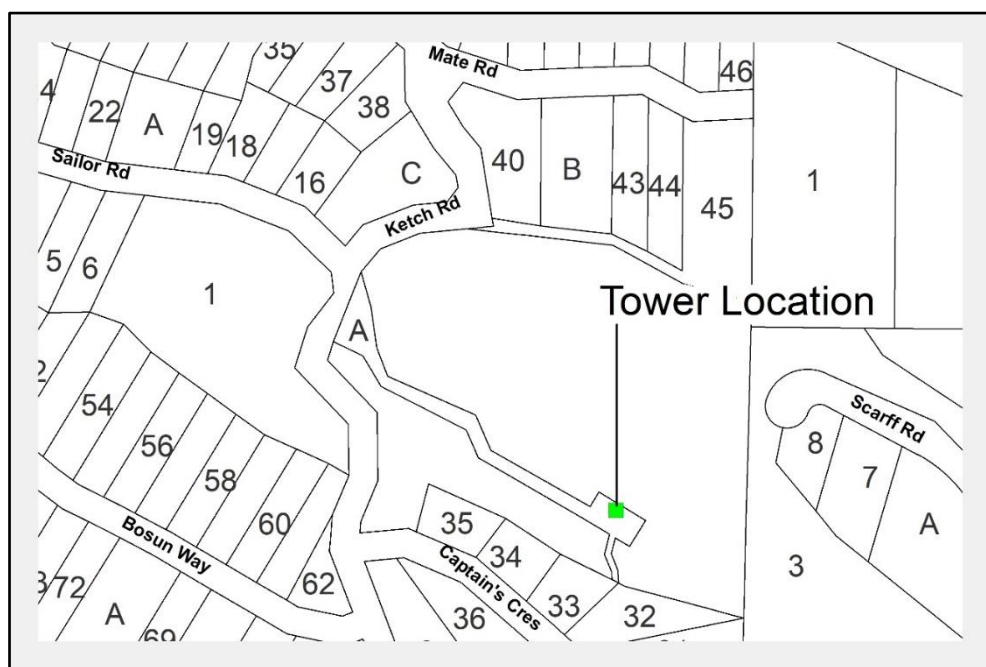
BACKGROUND

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

At the July 4, 2019 Regular Meeting, the LTC passed a resolution adopting the 'Model Strategy for Antenna Systems – Local Planning Committee' ('protocol' –Attachment 4). That specifies a model consultation protocol for Local Trust Areas that is discussed below and has been adapted for the specific application as 'Public Consultation Plan (DRAFT)' (Attachment 6).

The protocol specifies that Existing antenna systems where modifications exceed a cumulative height increase of greater than 25% as requiring public consultation (p. 16-17). The proposal is to extend the structural portion of the existing 12 m tower to a height of 15 m to include new Shaw antennas and to further add Capital Regional District (CRD) antennas for emergency communications to a cumulative height of 21.85 metres (see Figure 2, 3 and Attachment 2.7), therefore public consultation is required.

Figure 1 – Subject Property



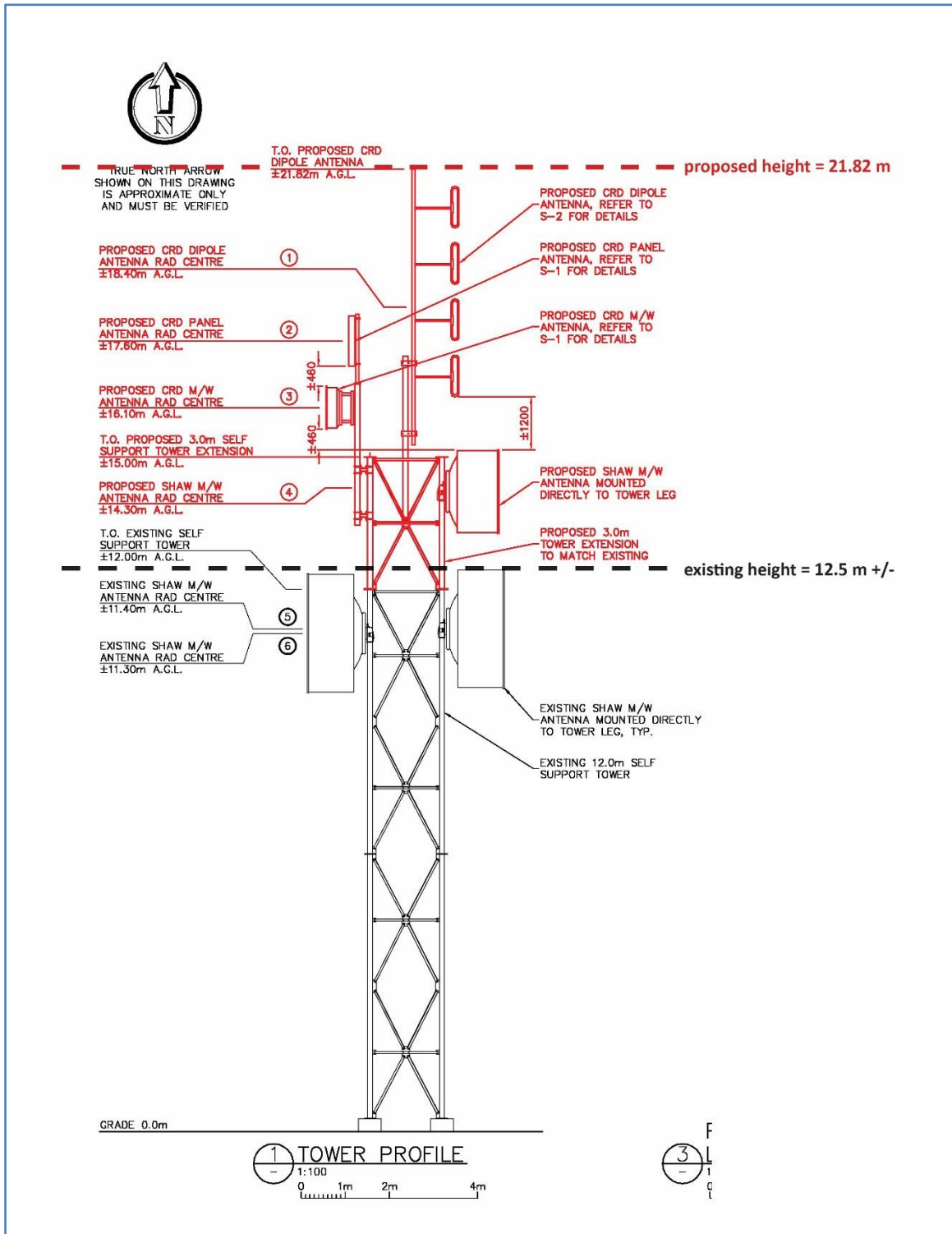
The rationale for the extension as indicated by the applicant in the application (portion- Attachment 3) is twofold:

1. The tower will be supporting CRD antennas that will (a) provide improved connectivity to the electoral Emergency Operations Centres (EOC) with a supplemental Emergency Programs Amateur Repeater, (b) in the future improve the Supervisory Control and Data Acquisition (SCADA –monitoring and control for local utilities), and (c) extend and improve the CRD Voice Communication System for better radio connectivity for CRD employees in the Southern Gulf Islands (SGI); and,
2. Improve internet speed and dependability to Shaw business and residential customers on Pender, Mayne and Galiano Island.

The application is supported by a letter from Geoff Gullekson, Radio and Geospatial Systems Coordinator on behalf of the CRD (the land owner), which also includes an attestation as to the community and CRD benefits from the colocation of CRD improvements on the proposed tower extension (Attachment 4). As the proposal is within the Lively Peak Park (albeit on a separate parcel), staff is recommending that the Pender Islands Parks and Recreation Commission be notified (see: 'Consultation' - below)

The existing tower is located on a linear parcel in the southeast corner of Lively Peak (Community) Park at the topographical height of the local area.

Figure 2 – Elevation Plans of Proposed Extension



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The applicable ITPS statement is as follows:

5.3 *Transportation and Utilities Commitments of Trust Council*

5.3.1 Trust Council holds that local trust committees and island municipalities should be consulted and involved in the decision-making process regarding provision of utilities, transportation services or facilities that might affect land use in their local planning areas.

Official Community Plan:

There are no specific objectives or policies with regard to communication towers in the North Pender Island Official Community Plan No. 171, 2007 (OCP).

The property is designated as **P - Park** in the OCP.

Development Permit Area One – Woodland Ecosystem is designated on the subject property, however the subject tower is outside of the designated DPA. (Attachment 2.5). Sensitive Ecosystem Mapping is Attachment 2.6.

Land Use Bylaw:

The property is zoned as **Community Park 1 (CP1)** in the North Pender Island Land Use Bylaw (LUB) No. 103, 1996 (LUB – see Attachment 2.1). The next section addresses the federal jurisdiction for siting and design of the specific use.

Innovation, Science and Economic Development Canada (ISED)

Under the *Radiocommunication Act*, the Minister of ISED has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and license the location of *telecommunication antenna system* is made only by ISED. All technical aspects and siting of telecommunication and broadcasting services are regulated by the Federal government under the *Radiocommunication Act*. ISED has an established procedure, the *CPC*, which prescribes the process and review of proposed telecommunication structures. As part of the process, proponents are required to notify the local land-use authority and nearby residents. Moreover, the proponent is required to address the public's questions, concerns and comments through ISED's prescribed public consultation process.

ISED expects land-use consultation to be completed within 120 days (4 months) from the proponent's initial formal contact with the local land-use authority. Shaw submitted site plans to the Islands Trust in July 3, 2019.

Health Canada

With regard to public health, ISED refers to the standards set by Health Canada for determining acceptable levels of radiofrequency electromagnetic energy produced by telecommunication infrastructure. All telecommunication proponents are required to follow the guidelines outlined in Health Canada's *Safety Limits of*

*Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz – Safety Code 6 (2009).*¹

For more information on jurisdiction related to health and environmental and aeronautical legislation, reference pp. 14 and 15 of the Model Protocol document (Attachment 5).

Role of Local Government - LTA

Local governments are referred applications for proposed towers and are given the opportunity to comment on the proposal. Ultimately, the role of the Local Trust Committee (LTC) is to issue a statement of ***concurrence or non-concurrence*** to the *proponent* and ISED.² The statement should consider the land-use compatibility of the antenna structure, the responses of the impacted residents and the proponent's adherence to the 'protocol' that was adopted by the LTC at their Regular Meeting on July 4, 2019.

Issues and Opportunities

On a preliminary basis, the following introduces some general, potential areas of concern that may arise through the public consultation process.

Siting and Size

ISED Guidelines include recommendations that antenna systems should not be located close to schools, hospitals, or senior care facilities. The proposed siting is shown on Attachment 2.3 and is within approximately:

- 1.16 kilometres to the Pender Islands School (5714 Canal Road)
- 1.25 kilometres to the Health Clinic (5715 Canal Road)
- 1.36 kilometers to Plum Tree Court Seniors Housing on (5719 Canal Road)
- 660 metres to Danny Martin Ballpark

The distance to the closest residence is approximately 59 metres and is shown on Attachment 2.4.

¹ LTAs do not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines (Safety Code 6) should be directed to Health Canada on-line at healthcanada.gc.ca and to the *proponent's* representative. The document is available online at <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/consultations/limits-human-exposure-radiofrequency-electromagnetic-energy-frequency-range-3-300.html> (accessed October 27, 2017).

² Regardless of whether the LTA issues a statement of concurrence or non-concurrence, ISED has exclusive jurisdiction over the approval of the siting and installation of telecommunication infrastructure in Canada.

Visual

Figure 3 is a photo simulation that shows the impact of the increased height and the addition of equipment. The visual impacts from nearby residents and the surrounding area are undetermined, although the LTC could request an analysis of view impacts as part of the consultation plan. A potential issue is the location of the existing structure in Lively Peak Park and attempting to find a balance between the community service requirements and the impact on the natural park setting.

Figure 3 – Photo Simulation of Existing and Proposed Tower



Co-location (existing tower)

The proposal is to both extend an existing tower (versus new construction) and to co-locate the Shaw antenna with CRD emergency and other communication infrastructure. Minimizing the number of new antenna sites by encouraging co-location is a key objective of the protocol (Attachment 5 – p. 14).

Community Services

As above, the proposal includes CRD emergency, infrastructure and other communication components that will add capacity and provide benefit to the community particularly with emergency preparedness and communication. A letter of attestation from Geoff Gullekson, Radio and Geospatial Systems Coordinator, CRD is Attachment 5.

Health Issues

The above section on the jurisdiction of 'Health Canada' is noted with specific reference to the direction on not assessing any health implications through the public process or including these in their deliberations and statements.

Consultation

Statutory Requirements

The proposed Public Consultation Plan ('plan') is drafted as Attachment 6. The plan adopts the model consultation objectives and process with recommendations for amendments based on the specifics of the current proposal. Of note, the plan recommends the following changes from the model:

- That the pre-consultation and site investigation steps be waived. As the proposal is for an extension to an existing tower that includes co-location. Therefore many of the objectives and criteria of these two steps have either been met and/or are non-applicable.
- That instead of having the proponent conduct their own public information meeting, staff is recommending that a single Community Information Meeting (CIM) be held as part of a Regular Meeting of the LTC. This is justified by the type application and time constraints of the summer meeting schedule for meetings of the LTC. Staff is of the opinion that it is more prudent and efficient to have a CIM in the early fall versus relying on the proponent to schedule, hold and report on a public event. A CIM is an appropriate forum for the proponent to introduce the proposal and answer questions and primarily for the LTC to hear directly from the public in support of considering a recommendation of concurrence or non-concurrence.
- That staff is recommending that the Notice by the proponent and the CIM notice be combined and placed in only one edition of the local newspaper (the Driftwood) versus two editions as prescribed by the protocol. This is justified as the deadline for the Pender Post (August edition) is July 20, 2019, the proposal is a modest extension of an existing tower with colocation of aspects with community benefit, placing multiple notices in the Driftwood is unreasonable as it is not widely read on Pender Island, costs and reason would indicate that the prescribed two editions is more suitable with a new facility.

Staff is recommending (page 1.) that they be directed to proceed public consultation consistent with the plan or as amended by additions or changes requested by the LTC.

Agencies

The above noted and attached proposed consultation plan indicates those agencies and community organizations that staff is recommending should be notified.

First Nations

This referral does not trigger any First Nation consultation. No recorded archaeological sites are located within 100 metres of the subject property according to the Provincial RAAD Mapping system.

Rationale for Recommendation

The recommendations on page 1 are supported as they will advance the public consultation process for the referral thereby providing input to the LTC's consideration of a statement of concurrence or non-concurrence with the project.

ALTERNATIVES

1. Request that Staff Amend the Public Consultation Plan

The LTC may request that staff amend the proposed public consultation plan. If selecting this alternative, the LTC should describe the specific amendments needed. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee direct staff to amend the proposed public consultation as specified in Attachment 6 ('Public Consultation Plan') by ...

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...

NEXT STEPS

- Staff will provide the proponent with the Public Consultation Plan and schedule a CIM in coordination with proponent and with consideration to the schedule for other CIMs.

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

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Application (portion- cover Letter only – the whole application is available here: [http://webfiles.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/NP-OTH-2019.2%20\(Shaw%20Communications\)/1%20-%20Application/NP-OTH-2019.2_Shaw_App_Lively_Peak_Application.pdf](http://webfiles.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/NP-OTH-2019.2%20(Shaw%20Communications)/1%20-%20Application/NP-OTH-2019.2_Shaw_App_Lively_Peak_Application.pdf))
4. Letter from Geoff Gullekson, Radio and Geospatial Systems Coordinator, CRD (dated July 3, 2019)

5. Model Strategy for Antenna Systems – Local Planning Committee (May 3, 2018, Van Hemert and Company) Linked here: [http://webfiles.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/NP-OTH-2019.2%20\(Shaw%20Communications\)/5%20-%20LTC%20Standing%20Resolution%20\(Procedure\)/Final_Model_Strategy_Antenna_Systems_Protocol_Document.pdf](http://webfiles.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/NP-OTH-2019.2%20(Shaw%20Communications)/5%20-%20LTC%20Standing%20Resolution%20(Procedure)/Final_Model_Strategy_Antenna_Systems_Protocol_Document.pdf)
6. Public Consultation Plan (Draft).

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot A, Section 10, Pender Island, Cowichan District, Plan 30588
PID	001-243-811
Civic Address	4628 Ketch Road
Property Size	0.38 hectares (0.94 acres)

LAND USE

Current Land Use	Commercial Retail – Driftwood Mall
Surrounding Land Use	The property is surrounded by properties of varying size zoned Rural, Agricultural, or National Park.

HISTORICAL ACTIVITY

File No.	Purpose

POLICY/REGULATORY

Official Community Plan Designations	The subject property is designated as P - Park in the in the North Pender Island Official Community Plan Bylaw No. 171, 2007 (see: Attachment 2.2: OCP Designations). Development Permit Area One – Woodland Ecosystem is designated on the subject property, however the subject tower is outside of the designated DPA. (Attachment 2.3).
Land Use Bylaw	The property is zoned as Community Park 1 (CP1) in the North Pender Island Land Use Bylaw (LUB) No. 103, 1996 (LUB – see Attachment 2.1).
Other Regulations	ISED regulations (Federal – see main report)
Covenants	There are no LTC or other covenants registered on the property.
Bylaw Enforcement	N/A

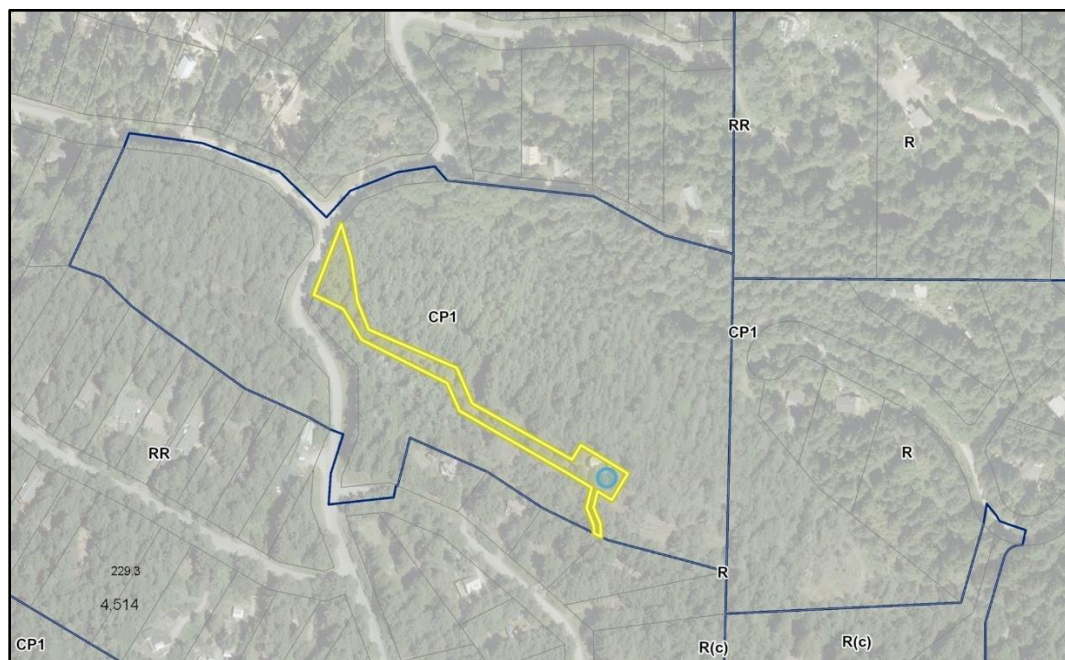
SITE INFLUENCES

Islands Trust Conservancy	There are no ITC covenants or properties in proximity to the proposed development.
Regional Conservation Strategy	The proposal does not affect the goals and objectives of the Islands Trust Fund regional conservation plan.
Species at Risk	N/A

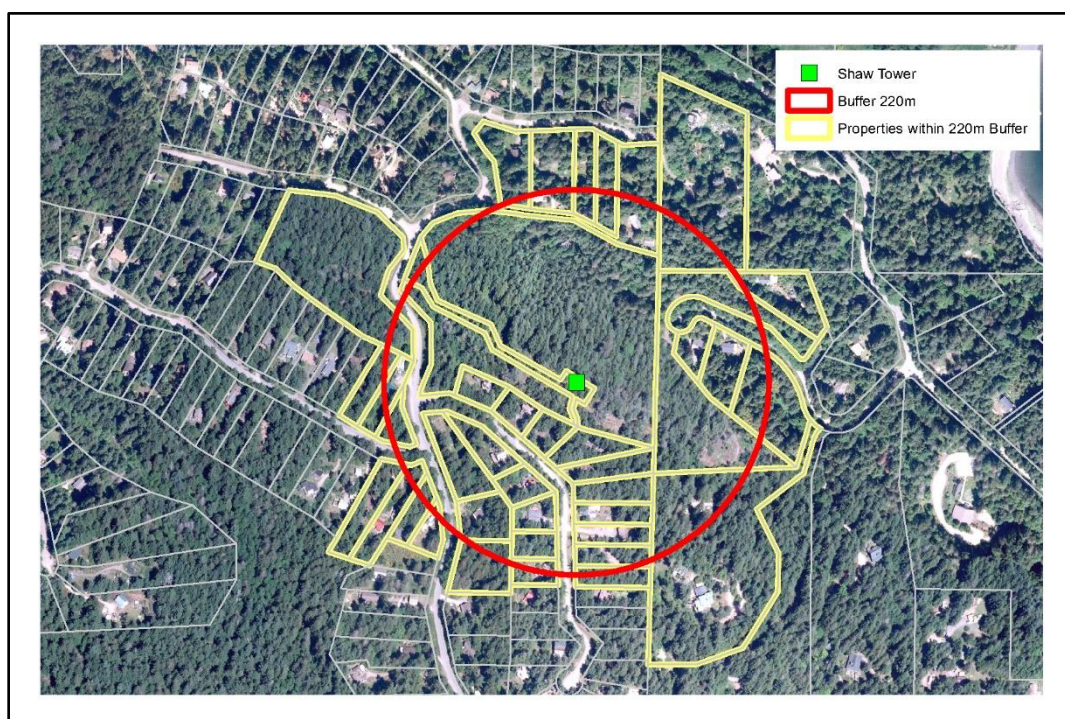
Sensitive Ecosystems	The SEM is shown in Attachment 2.6 and is consistent with the DPA mapping where the direct area around the tower is not identified as sensitive (presumably due to previous clearing/disruption).
Hazard Areas	N/A
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site, nor within 100 metres of the proposed development. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There proposed development consists of telecommunication microwave and dipole antennas and structural supports. The GHS implications are unknown.

ATTACHMENT 2 – MAPS AND PHOTOGRAPHS

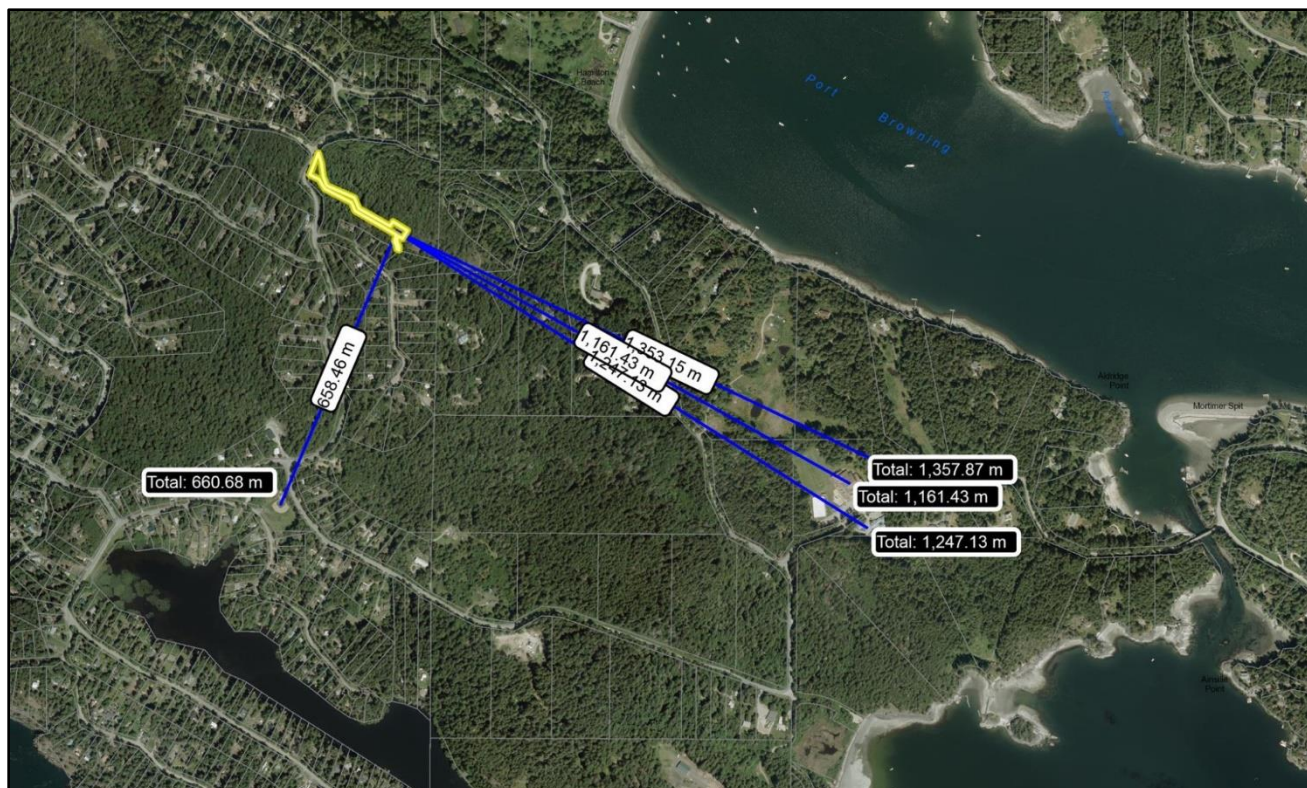
2.1 ORTHOPHOTO WITH ZONING



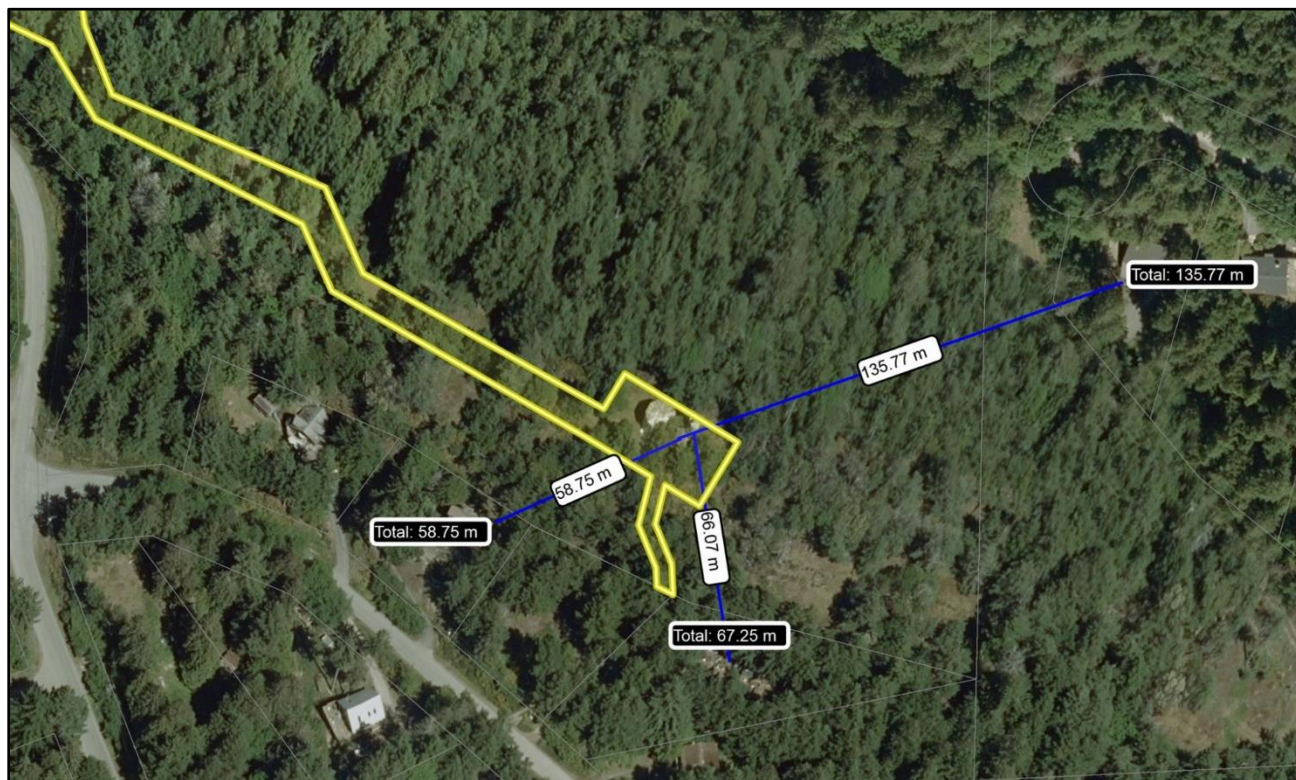
2.2 220 METRE RADIUS NOTIFICATION AREA MAP



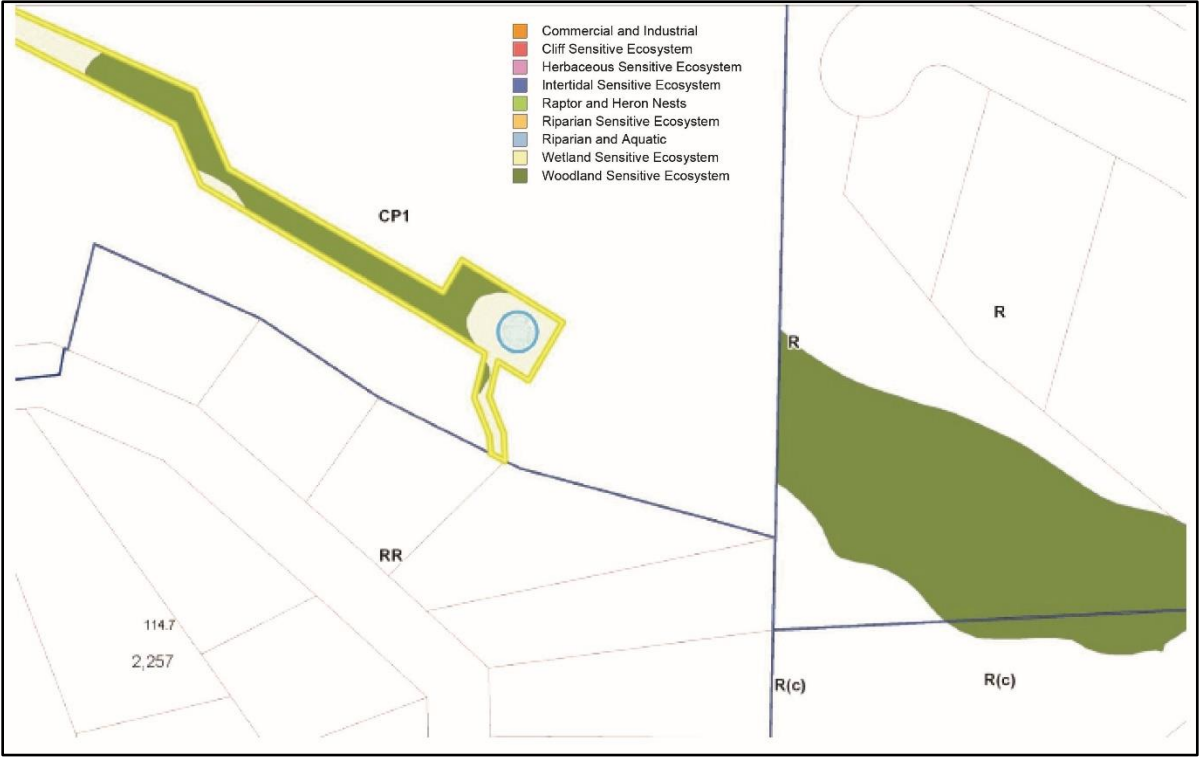
2.3 SITING DISTANCES (MACRO)



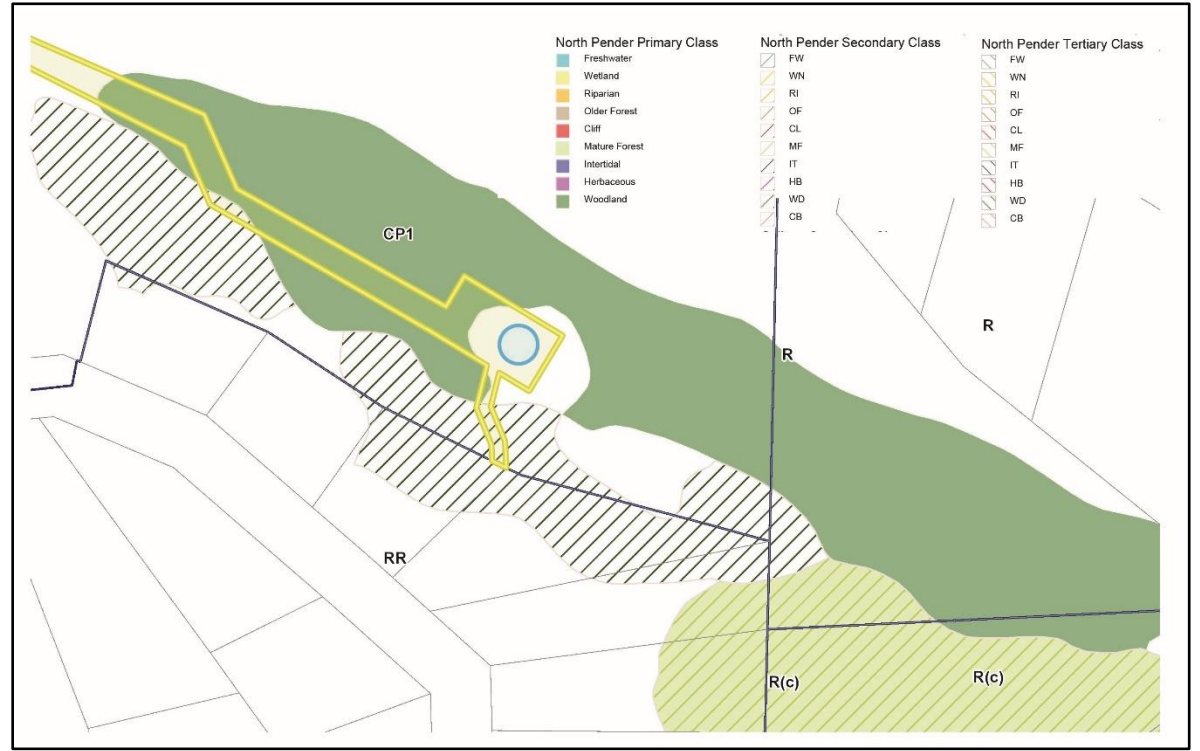
2.3 SITING DISTANCES (LOCAL)



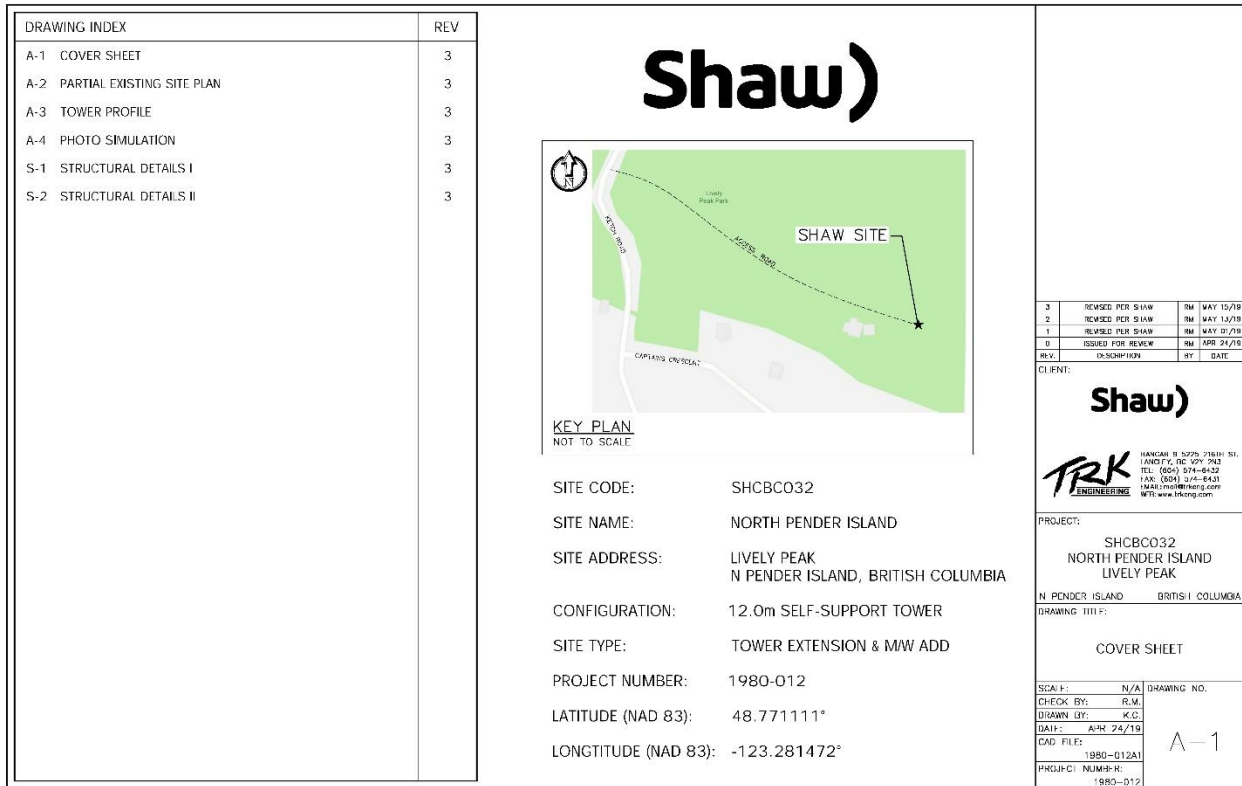
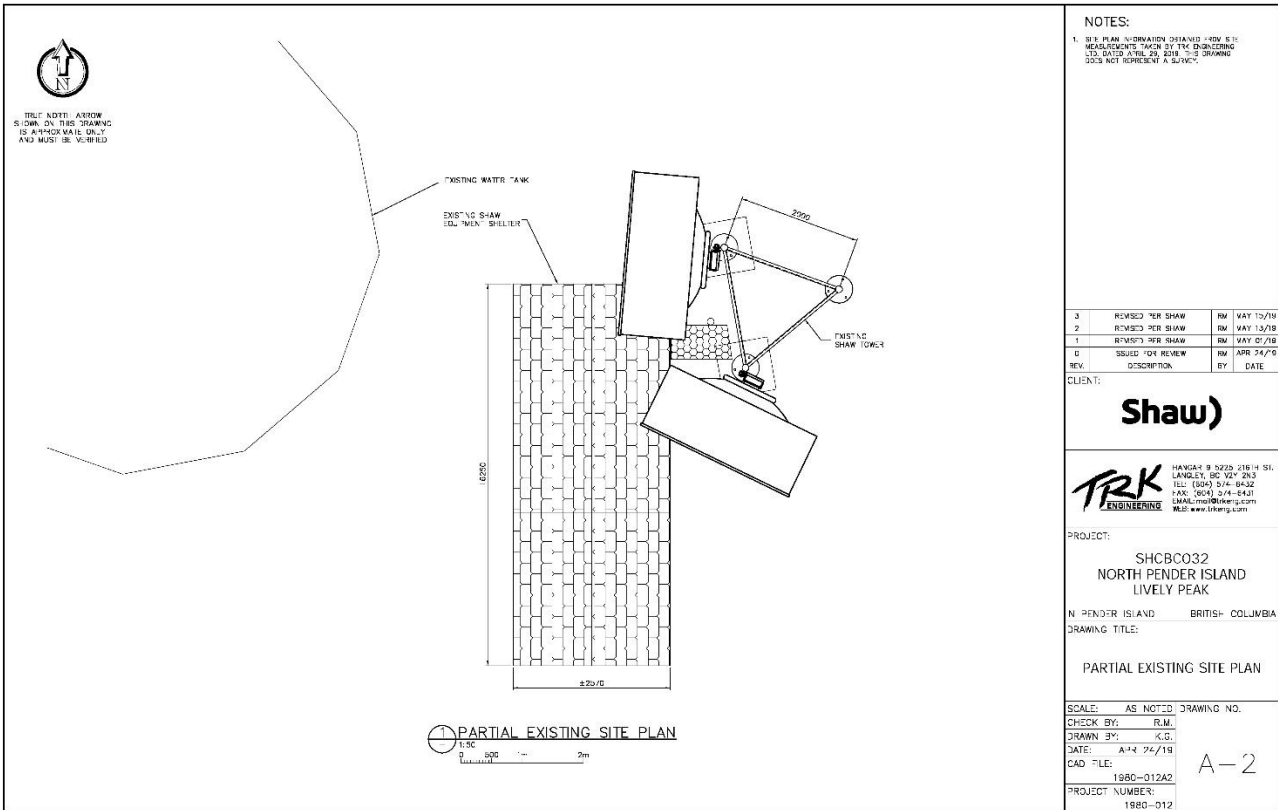
2.5 DEVELOPMENT PERMIT AREAS



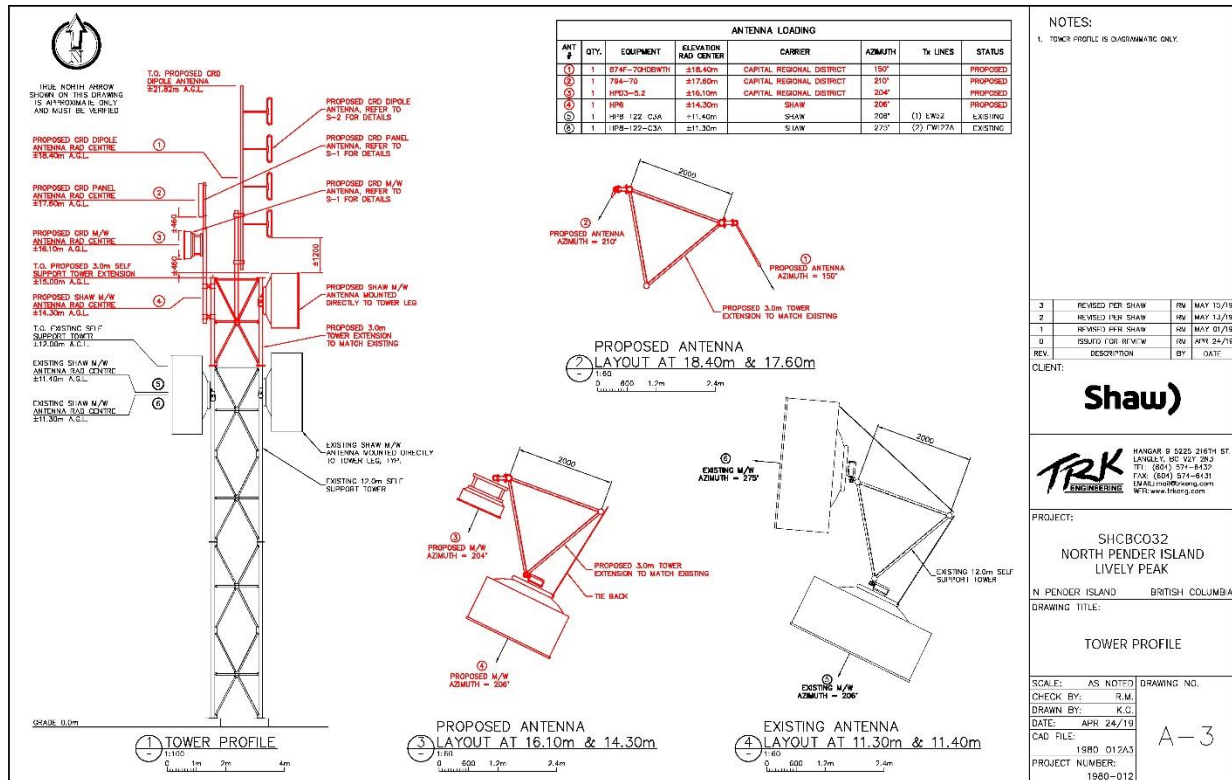
2.6 SENSITIVE ECOSYSTEM MAPPING



2.7 PLANS FOR PROPOSED TOWER EXTENSION



2.4 PLANS FOR PROPOSED TOWER EXTENSION (CONT'D)





July 3, 2019

Phil Testemale
Planner 2 – Southern Team
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Dear Mr. Testemale,

Subject: Application Proposal to Extend 12m Existing Communications Tower
Location: Lively Peak, North Pender Island
Coordinates: 48.771111° N, -123.281472° W
Site Ref. #: SHCBC032

Shaw Communications is committed to investing in its network infrastructure to improve connectivity services in British Columbia. Shaw recognizes dependable internet service is becoming more and more important for local governments to support their local economy, enhance citizen engagement, improve access to health, education and emergency services. As a leading connectivity provider, Shaw continues to invest in the Southern Gulf Islands, to offer affordable services to residents and businesses.

Project Overview

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

We appreciate that in reviewing the Islands Trust telecommunications protocol, under Section F (3) (g), we see the policy allows some discretion in applying the consultation process, particularly for installations where proponents have made the effort to meet the preferred antenna system design. We appreciate the protocol allows on a case-by-case basis for an exemption from all or part of the consultation requirements.

In light that the proposal is a modest height increase to an existing low tower, and in order to expedite the delivery of services, we are kindly requesting that the Local Trust Committee consider waiving or modifying consultation. This request is based on the fact that the modified tower (i) is largely in compliance with preferred installations, as directed by the protocol, (2) it will likely not be visible to surrounding residents due to the tree canopy and, finally, (3) we are hoping to improve communication services to the islands as quickly as possible.

We kindly request the LTC take into consideration:

1. The tower structure itself has remained within the 25% height increase, as preferred by the protocol (and only antennas with minimal visibility are surpassing the threshold);
2. The tower is set away from residential areas and is buffered by trees that will screen the tower and antennas;
3. The structure supports co-location of third-party antenna systems;
4. The structure will be supporting important commercial and public services required by the community. Specifically:
 - a. The tower will be supporting CRD antennas that will be providing improved connectivity to electoral Emergency Operations Centers (EOC), as well as improving Supervisory Control and Data Acquisition (SCADA) site communications.
 - b. For Shaw internet customers, improving internet speed and dependability to residents and businesses on Pender, Mayne and Galiano.

Enclosed, please find our application proposal for consideration. Our relationship with local government is important as we continue to improve and grow our services enjoyed by residents and businesses on the Southern Gulf Islands. In reviewing the material, please do not hesitate to contact me if you require additional information.

Kind Regards,

A handwritten signature in black ink, reading "Todd Musat". The signature is fluid and cursive, with the first name "Todd" and last name "Musat" clearly legible.

Todd Musat
Director, Critical Network Infrastructure
Shaw Cablesystems G.P.

Application Proposal

Below, please find information as required by the telecommunications protocol.

i. Site Rationale

The purpose of extending the existing tower is to accommodate new antennas that will support important commercial and public services required by communities on Pender, Maybe and Galiano Island. Specifically:

- a. The tower will be supporting CRD antennas that will be providing improved connectivity to electoral Emergency Operations Centers (EOC), as well as improving Supervisory Control and Data Acquisition (SCADA) site communications.
- b. Improving internet speed and dependability to residents and businesses on Pender, Mayne and Galiano will benefit to approximately 2,600 customers. Due to internet usage increase and limited capacity bandwidth of our network backhaul, customers have been affected by network saturation. This upgrade will improve the quality of service for approximately 2600 customers.

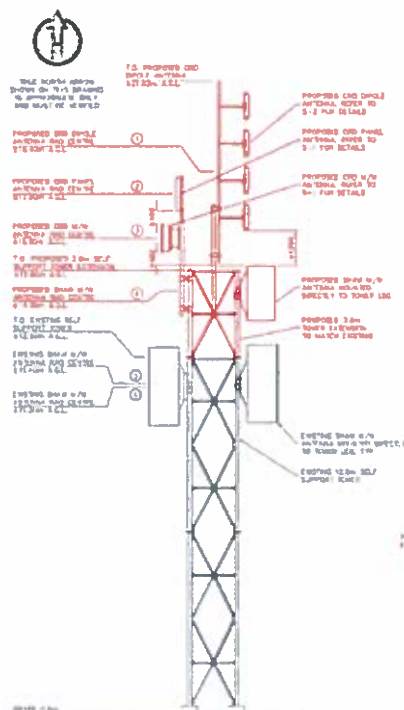
The site was selected as it supports the protocol's preferred site selection in the use of existing towers, (in place of building new towers) and co-location, since the location of the tower is compatible for the CRD communication purposes.

ii. Co-location

The proposed tower supports co-location, in that it accommodates the communication requirements of the CRD.

iii. Site Design

The tower profile below depicts a modest tower extension, supporting the needs of both Shaw and the CRD. For details, please see **Appendix 1: Preliminary Plans**.



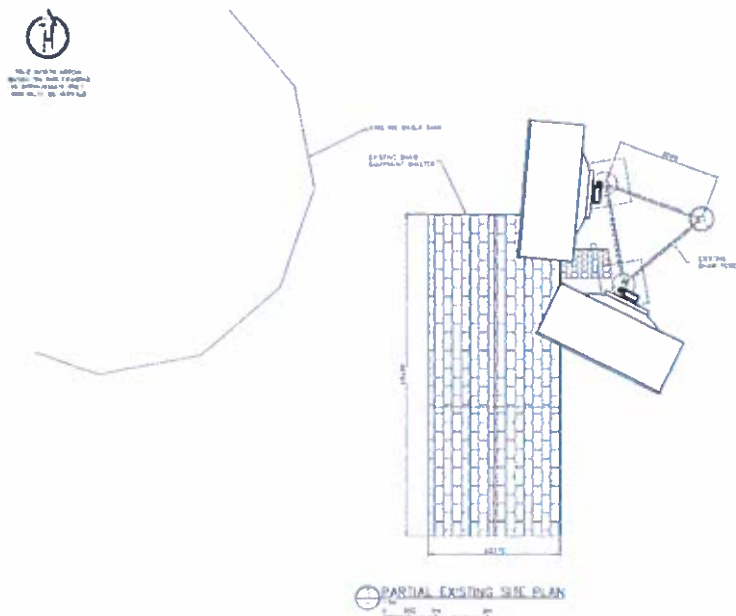
iv. Visual Renderings

To better illustrate the visibility of the tower extension and addition of four (4) antennas, below please find visual rendering of the proposed antenna system.



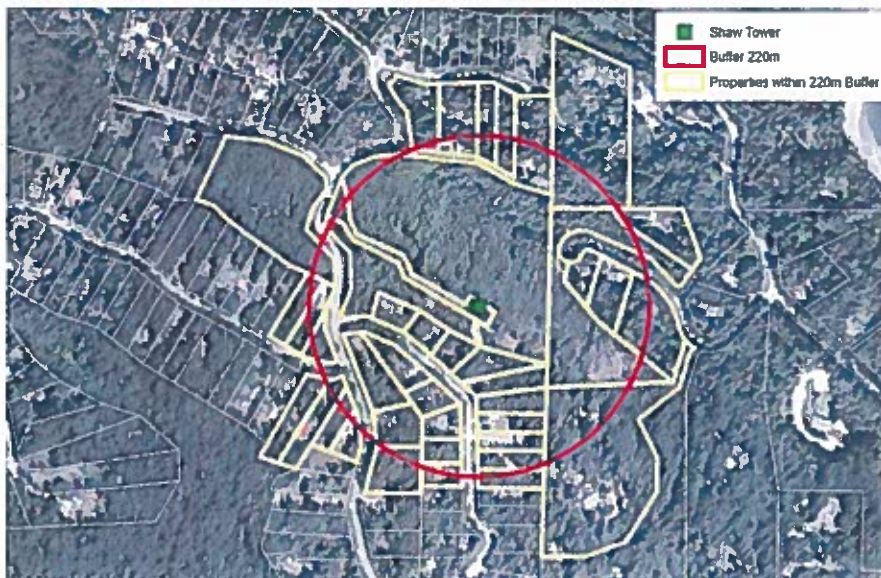
v. Site Plan

The placement and enhancement of the tower next to the existing water tower appears appropriate, as it consolidates the location of utility infrastructures. The tower extension will not require expanding the site area or additional buildings.



vi. Site Distance to Surrounding Areas

Below, please find a map showing the distance between the existing tower and its proximity to other properties, the closest property estimated at 72m. It is worth noting that the tree canopy will screen the tower from view.



vii. Letter of Authorization

In **Appendix 2: Letter from CRD**, please find a letter from the CRD, the legal owner of the lands, as well as an attestation to co-locating on the tower.

viii. Title Search

The Capital Regional District is the property owner. In **Appendix 3: Title Search**, please find a copy of the title search of the property.

ix. Safety Code 6

Health Canada safety guidelines are outlined in Safety Code 6 guidelines. All Shaw facilities adhere to these standards. Shaw attests that the radio installation described in this application will be installed and will operate in compliance with Health Canada's Safety Code 6 for the protection of the general public including any combined effects of nearby installations within the local radio environment.

If you have questions, you are welcome to contact us. For more information on Safety Code 6, please see:

Fact Sheet - What is Safety Code 6?

<https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/radiation/fact-sheet-what-safety-code-6.html>

July 3, 2019

Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Attn: Phil Testemale, Planner 2 - Southern Team

RE: Lively Peak Radio Tower
[REDACTED]

Dear Mr. Testemale,

The Capital Regional District (CRD) is the owner of the above property and acknowledges the application of Shaw Cable Systems (Shaw) to increase the height of its tower and antenna systems. Shaw may acquire information from Islands Trust or other authorities concerned and needed to approve the modification of the telecommunications site. Shaw may acquire necessary permits with signed CRD authorization as the land owner, on completion of a signed license renewal which includes the proposed tower addition and CRD antenna co-location. CRD and Shaw are presently in good faith negotiations for a term extension to the current agreement.

The CRD intends to co-locate certain systems on the tower to address the immediate and future needs of CRD radio systems. If required, the CRD would like to be included in the public consultation process. These systems would benefit the gulf islands as described below:

Emergency Programs Amateur Repeater

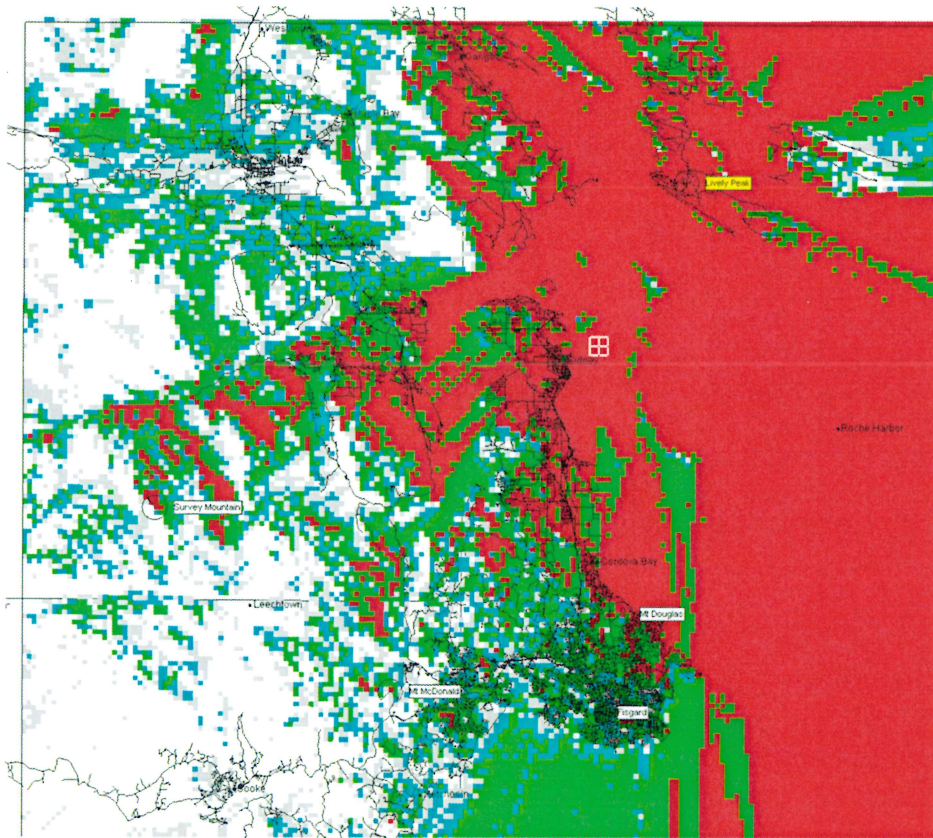
This year's major snow event showed the need for stable, independent, Land Mobile Radio (LMR) communication networks that have their own generator system and/or battery backup. This Emergency Programs Amateur Repeater, with a generator system and/or backup, will supplement our existing amateur voice repeater network, connecting local Emergency Operation Centers (EOC) together. Currently the radio communications network lacks coverage in the Southern Gulf Islands (SGI) area. This repeater location will greatly improve coverage and connectivity to the gulf islands and allow for better communication to CRD Headquarters.

Supervisory Control and Data Acquisition (SCADA) Radio System

SCADA is a form of monitoring and control for local utilities, such as sewer collection and water distribution. Currently on the Pender Islands and certain other gulf islands there is a lack of a radio communication network for SCADA related networks. The current systems are aging and use wireline communication methods. This tower and antenna location would allow for the future design and implementation of a radio system to create a better communication network for these sites. This is a proven method of SCADA communication, with a high level of stability and reliability, as it can function with battery backup for a significant length of time without AC intervention.

CRD Voice Commercial Voice Communication System

This is an extension of our current voice LMR repeater network. The repeater would allow for better radio connectivity for CRD employees in the SGI areas. There is a lack of cellular coverage in many areas on the gulf islands and with WorkSafe BC regulations around lone worker check-ins becoming more stringent, another form of communication is needed. In the future adding a repeater to this site will fill some of the gaps our current LMR system has. From Path profiling Lively Peak shows excellent coverage into several of the local islands. This system would also function as another form of communication in the event of an emergency for coordination and EOC communication.



****Lively Peak Coverage Map: Red indicates portable coverage, green mobile radio and blue is low signal mobile radio coverage***

We trust this authorization for Shaw is sufficient. Should you require further information or wish to contact us regarding public consultation, please contact the writer at the direct line above.

Sincerely,

Geoff Gullekson, ASCT | Radio and Geospatial Systems Coordinator
Information Technology & GIS | Capital Regional District

Public Consultation Plan¹ (DRAFT)

Application NP-OTH-2019.2 (Shaw) for extension to Lively Peak Park Tower

A. Consultation Process

1. Consultation Objectives

The public consultation is designed to:

- inform;
- incorporate local knowledge;
- harmonize with ISED regulations and guidelines;
- be transparent;
- be consistent;
- be predictable; and
- be expeditious.

2. Process Steps, Requirements and Time lines

a) Pre-Consultation with the LTA

Commentary

As the proposal is an extension to an existing tower that includes co-location, many of the objectives and criteria of the first two steps of this phase have either been met and/or are non-applicable, staff is recommending that i. Pre-Consultation and ii. Site Investigation Meeting steps be waived. The content for those two steps has been included if the LTC wish to direct staff to include any of these requirements in the plan.

Prior to submitting an *antenna system* proposal that does not meet any of the exemptions listed in Subsection D. 1. 3. the *proponent* will undertake the following preliminary consultations with the LTA:

Step 1: Pre-Consultation

i. Pre-Consultation

Staff is recommending this step be waived.

¹ This Plan is adapted directly from the Model Strategy adopted by the LTC on July 4, 2019 (Attachment 5)

The purpose of the pre-consultation phase is for the proponent to share with the LTA representative the network objectives, provide possible site options and receive preliminary feedback. The pre-consultation steps include:

- the *proponent* notifies the LTA representative that locations in the community are being assessed for potential *antenna system* siting;
- the proponent provides the LTA representative potential locations and invites feedback on preferred locations and/or designs; and
- the proponent may offer to host a community workshop to provide options and invite feedback on possible solutions, although not necessary.

ii. *Site Investigation Meeting*

Staff is recommending that this step be waived.

Based on comments from the pre-consultation step, the proponent will provide a summary of a site-specific location, including:

- **Site Location:** location, type and height of the proposed *telecommunication antenna system*;
- **Alternative Locations:** summary of what other alternative locations were considered, including options to co-locate on existing structures;
- **Site Design:** preliminary drawings and/or visual renderings of the proposed *telecommunication antenna system*;
- **Co-location:** summary of efforts proponent has made to allow other companies to co-locate on the tower, as well as indication from other companies regarding interest in co-locating on new telecommunications structure.

The purpose of the site investigation meeting is to:

- identify preliminary issues of concern;
- give opportunity for the *proponent* to outline the proposal to the LTA;
- give opportunity for the LTA to provide initial feedback to the *proponent*;
- identify any potential *sensitive community* locations as defined by this policy;
- identify any potential *neighbouring land-use jurisdictions, school districts, emergency service providers and community associations* that may be required to provide comment on the proposal as outlined in this policy;
- guide the proponent on creating *localized content* for public notification and distribution; and

- Inform the *proponent* of the LTA's preference of taller towers over shorter towers and supporting future *Co-location* opportunities.

iii. *LTA Preferences and Requirements*

Staff is recommending that they report back to the proponent on this portion after the July 25, 2019 with the finalized Public Consultation Plan, and with a request for any particular information requested by the LTC (if applicable).

Following the Site Investigation Meeting, planning staff will provide the proponent with an information package within a timeframe determined by the Islands Trust that includes:

- **Public consultation:** confirmation if, (a) public consultation is required, and if so, the process the proponent needs to follow, including a list of any other agencies, jurisdictions, and First Nations to be consulted, and if a Public Information Meeting is required or, (b) public consultation is not required;
- **Site design:** comments on proposed location and design; and
- **Studies and permits:** a list of plans, studies and/or permits that may be required (i.e. environmental impact statements) as well as any fees that need to be paid to the LTA for processing application.

Step 3: Public Consultation

a) *Notification Requirements for Non-exempt Antenna Systems*

Staff is recommending that rather than both a notice by the proponent and a CIM Notice, that the two be combined ('combined notice') and placed in one edition of the local newspaper only. This is justified as the proposal is a modest extension to an existing tower; includes colocation; includes community service benefits; the deadline for the Pender Post has passed; the Driftwood is not widely read on the Island; cost; and the prescription in this protocol is more suited to proposals for a new facility/location.

- The *proponent* will provide written notice, sent by regular mail or hand delivered, to all property owners and residents with a *notification distance* of 10 metres for every one metre in height from the base of the structure for a *freestanding antenna system*
(see above comments and vi. - below)
- The *proponent* will provide written notice, sent by regular mail or hand delivered, to all *neighbouring land-use jurisdictions, emergency service providers and school districts* with a *notification distance* of 1000 metres from the base of the structure.

Staff is recommending is that the proponent provide evidence at or before the CIM that the combined notice has been by regular mail or hand delivery to the North Pender Island Fire Rescue in addition to providing any response received prior to the CIM (there are no other land-use jurisdictions or schools within 1000 metres of the existing tower).

- iii. The *proponent* will provide notice to ISED's regional office.

Staff is recommending that the proponent provide evidence at or before the CIM that the combined notice has been provided to the ISED.

- iv. The *proponent* will provide written notification to Community Associations identified at the site investigation meeting.

Staff is recommending that the proponent provide evidence at or before the CIM that combined notice has been provided to the Magic Lake Property Owners' Society and the Pender Islands Parks and Recreation Commission in addition to providing copies of any responses received prior to the CIM.

- v. The proponent will place notice of the *telecommunication antenna system* proposal in at least two editions of a local newspaper.

Staff is recommending that the proponent, at their cost, place the combined notice that one edition of a local newspaper (the 'Driftwood') which must occur not more than 14 days prior to the scheduled CIM.

- vi. Where a public information meeting is to be held for a proposed *telecommunication antenna system*, a notice of the meeting shall be placed in at least two editions of a local newspaper and the proponent will provide written notice of the meeting sent by regular mail or hand delivered, to all property owners, *land-use jurisdictions*, *emergency service providers* and *school districts* with a *notification distance* of 10 metres for every one metre in height for a *freestanding antenna system* and for a *building/structure-mounted antenna system*.

Staff is recommending that they proceed with drafting in coordination with the proponent a combined notice and that it be mailed and hand-delivered to all residents and owners within 220 metres of the base of the existing tower and placed in only one edition of a local newspaper (the 'Driftwood') not more than 14 days prior to the scheduled CIM (as per v. – above).

b) *Notice Content Requirements*²

Staff is recommending that the proponent shall in coordination with the proponent include at a minimum the following applicable information in any mailed or otherwise delivered combined notice:

- i. The proposed antenna system's purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;

² These requirements are those of Appendix 1 of the CPC as well as additional requirements suitable for the Islands Trust.

- ii. Information on the location within the community, the geographic coordinates and the specific property or rooftop, height, type, design and colour of the proposed telecommunication antenna system, including a copy of the site plan submitted with the application;
- iii. Description of the antenna that may be mounted on the supporting structure and simulated images of the proposal;
- iv. Identification of areas accessible to the general public and the access/demarcation measures to control public access;
- v. An attestation that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;
- vi. An attestation that the installation will respect good engineering practices including structural adequacy;
- vii. Transport Canada's aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;
- viii. Information on the environmental status of the project, including any requirements under the Canadian Environmental Assessment Act, 2012;
- ix. Clear information on the role of ISED as the sole approving authority for the siting of telecommunication Antenna system and that the LTA only provides a statement of siting concurrence/non-concurrence at the request of the proponent;
- x. Notice that general information relating to antenna systems is available on ISED Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
- xi. Reference to any applicable local land-use requirements such as local processes, protocols, etc.;
- xii. Information that comments and responses should be directed to the proponent and that all submissions received by the proponent will be forwarded to the LTA for their records;
- xiii. Information that citizens may request their name and contact information be kept confidential within the published records;
- xiv. The name and contact information of a contact person for the *proponent*;
- xv. The name and contact information of ISED;
- xvi. The name and contact information of the LTAs planner;
- xvii. An attestation that the *telecommunication antenna system* will respect Health Canada's *Safety Code 6* which sets safe radiofrequency emission levels for these devices; and
- xviii. The date, time and location of the public information meeting where required.

- xix. closing date for submission of written public comments (not less than 30 days from receipt of notification).
- xx. The notification shall be sent in an envelope addressed to the "Occupant" and/or "Tenants" and shall clearly show in bold type on the face of the envelope the statement: "NOTICE FOR RESIDENTS: NEW PROPOSED CELL TOWER - INFORMATION IS ENCLOSED."

5. *Public Information Session*

Staff is recommending that a Community Information Meeting (CIM) be scheduled by staff and be held as part of a regular Local Trust Committee Meeting and that the proponent be available to make a presentation and answer questions and concerns as part of that CIM.

The LTA requests the *proponent* chair a public information meeting for all proposed *telecommunication Antenna system* exceeding 15 metres in height ***or where there is significant public interest in the new free standing proposed telecommunication antenna system***. The type of public meeting to be conducted is up to the discretion of the proponent, however:

- an appropriate date, time and location for the public information meeting will be determined in consultation with the LTA's Island Planner;
- the *proponent* will make available at the public information meeting an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site;
- all information and materials presented should consist of *localized content*;
- the *proponent* shall not schedule a public information meeting less than seven day prior to the close of the public consultation period; and
- the *proponent* may request LTA staff attendance and participation in the meeting.

6. *Online Community Engagement*

Staff is recommending that the following be left to the discretion of the proponent.

- A proponent may augment the public information session with an online forum to allow information sharing and feedback from people who may not be able to attend a public forum

7. **Step 4: Request for Concurrence**

Staff is recommending that the proponent provide the following request in writing a minimum of one (1) week prior to the date of the scheduled CIM.

a) Submission to the LTA: Request for Concurrence

Prior to submitting a formal request for siting concurrence, the proponent must include the following information to the LTA:

- i. A summary of and a copy of all public submissions and responses, as well as the proponent's response to public submissions as outlined in ISED's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03);
- ii. A letter outlining any NAV Canada and Transport Canada requirements for lighting and painting on the proposed *telecommunication antenna system*;
- iii. A copy of all plans and studies (i.e. Environmental Review) required for the construction of the proposed *telecommunication antenna system*;
- iv. A package summarizing the results of the public information meeting containing at a minimum, the following:
 - The time, date, location and number of people in attendance of any public information meeting held;
 - A List of attendees, including names, addresses and phone numbers (where provided voluntarily);
 - Copies of all letters and other written communications received; and
 - A letter outlining how all the concerns and issues raised by the public were addressed.

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

DATE OF MEETING: July 25, 2019

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: William Shulba, Senior Freshwater Specialist
Warren Dingman, Bylaw Enforcement Officer

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 request that prior to the implementation of any required environmental management plans, the applicant provide a letter from a licenced qualified environmental professional with relevant experience within 30 days of July 25, 2019:*
 - a. *A statement of opinion that current uses and activities on the property have minimal risk on the receiving environment; and*
 - b. *Any uses or activities for which the licenced qualified environmental professional with relevant experience cannot provide a statement of opinion of minimal risk must cease.*

REPORT SUMMARY

The purpose of this report is to provide an update on the status of the proposed TUP application, particularly on actions for the requested three (3) environmental management plans. 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 recommendation is supported as it provides professional assurance that prior to the implementation of any required environmental management plans current activities on the property do not represent risk of a significant impact on the receiving environment.

BACKGROUND

The application proposes a concrete batch plant use on a specific area (Figure 2) of the subject property to include the following:

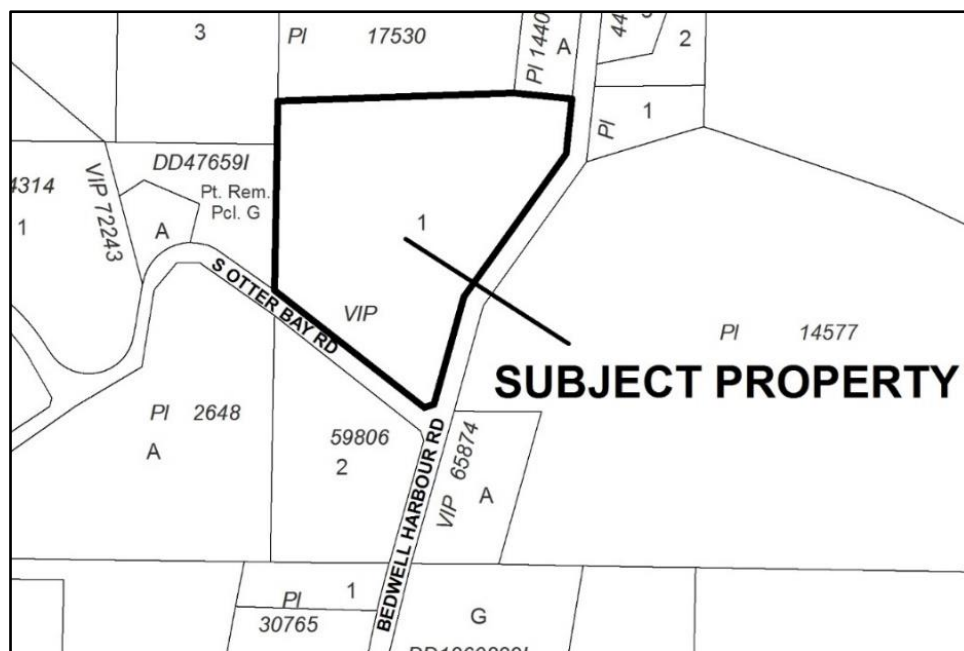
- A redi-mix concrete batch plant
- Storage of aggregates (sand and gravel)
- Storage of vehicles and equipment (indoor and outdoor) required for the use
- A settling pond system
- A lock-block form assembly associated with the concrete batch plant
- A 15' x 30' shop (fabric 'cover-all' type of structure)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

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

Background to this application, including two staff reports is available on the Islands Trust website:

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

Figure 1 – Subject Property



Specific File Activity:

The application has been reviewed previously by the LTC on February 28, 2019.

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

- At its February 28, 2019 Regular Meeting, the LTC passed the following resolution:

NP-2019-027

It was Moved and Seconded,

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

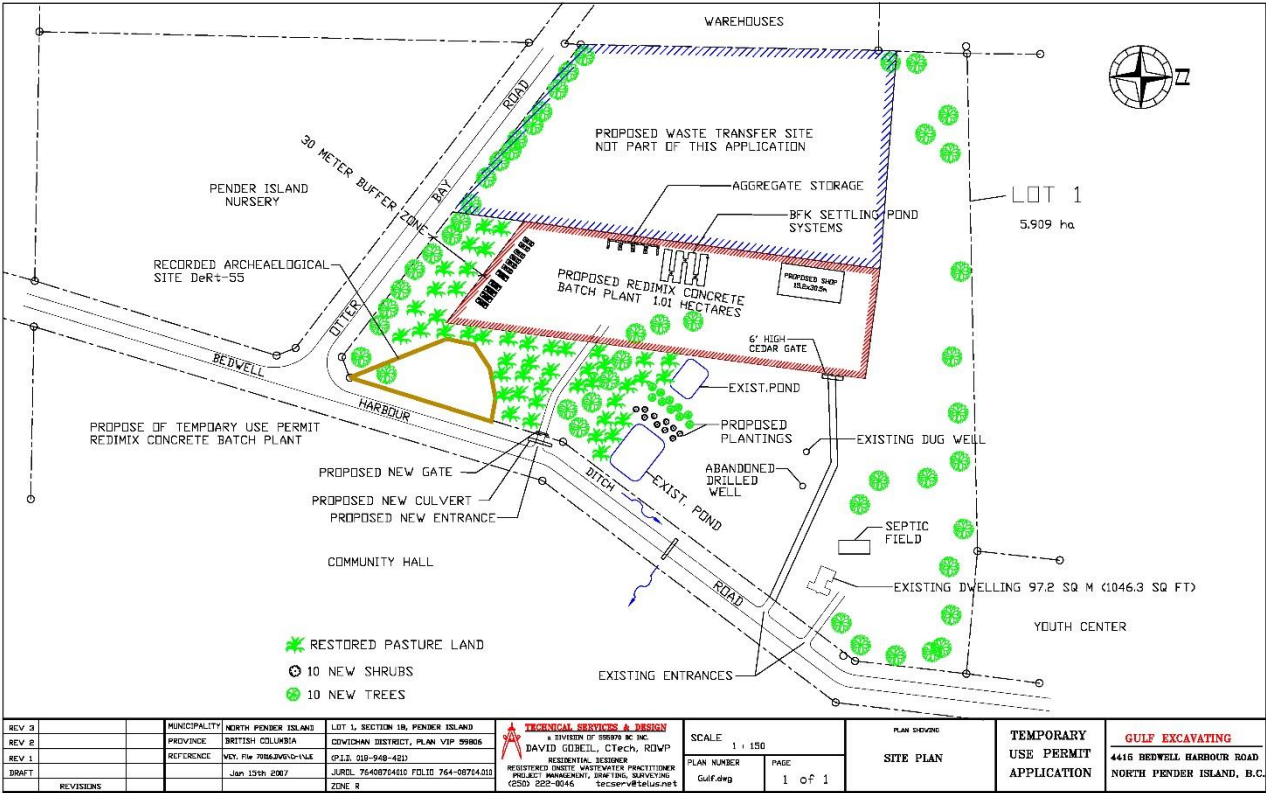
CARRIED

- A Terms of Reference for the Environmental Management Plans (Attachment 1) was sent to the applicant on April 16, 2019. That specifically indicated that the contracted licenced qualified environmental professional (QEP) was to coordinate with Islands Trust Staff (Senior Freshwater Specialist) regarding the specific details and scope of the Terms of Reference prior to commencing work.
- Staff e-mailed the applicant on May 1, 2019 (as no response to the previous had been received) requesting confirmation that the Terms of Reference had (a) been received and (b) the contracted QEP would contact staff on or before June 1, 2019. In addition, a deadline of July 31, 2019 for submission of the completed management plans was given. The applicant replied immediately indicating ongoing family issues.
- A request for an update was e-mailed to the applicant on June 5, 2019 indicating that staff had not been contacted by a QEP by the June 1, 2019 deadline.
- On June 10, 2019, William Shulba was contacted by Sean Babulic, EIT of Islander Engineering Ltd. indicating that the firm had been engaged by the applicant.
- On June 21, 2019, staff were copied on an e-mail with a proposal for work from Islander Engineering to the applicant Mr. Babulic indicated he would contact staff after June 28, 2019 to finalize the Terms of Reference.
- Mr Babulic contacted William Shulba by e-mail on July 15, 2019 indicating that the applicant was reviewing the proposal/agreement and that once contracted he would discuss finalizing the Terms of Reference and proceeding.
- Mr. Babulic confirmed by e-mail on July 17, 2019 that he has been retained by the applicant and will coordinate finalizing the Terms of Reference and proceed.
- New correspondence was received by the LTC from owner of 4401 Otter Bay Road expressing concerns about the operation and supporting the environmental management plans.

Any new information will be submitted to the LTC and reported at the LTC Regular Meeting, including a time estimate by the QEP for completion of work.

Based on direction from Trustee Morrison from the July 4, 2019 LTC Regular Meeting, staff will contact the applicant with a recommendation the Terms of Reference should include in its scope the potential for waste transfer to occur on the site (Figure 2) as it would be practically and financially expedient to do so.

Figure 2 –Detail of Proposed TUP Area



Rationale for Recommendation

The recommendation on page 1 are supported as it would provide professional assurance that prior to the implementation of any required environmental management plans current activities on the property do not represent risk of a significant impact on the receiving environment. Further it provides certainty to the applicant to proceed with fulfilling the request and conditions of the LTC with the contracted QEP.

ALTERNATIVES

The following alternatives are as follows:

1. Proceed with Application

The LTC can allow the application to proceed with the environmental management plans and staff will report back to the LTC when the work is completed and a TUP has been drafted. This alternative would not provide the assurance that current uses have not, or will not, harm the receiving environment. There is no resolution required for this alternative

2. Direct Bylaw Enforcement staff to enforce immediately

The LTC may direct Bylaw Enforcement to have the use, or specific uses, on the property cease immediately. This alternative would have all or some uses cease within a limited time frame, but likely require a compliance agreement with some continued uses and no assurance of professional oversight in the interim.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee direct Bylaw Enforcement to require that all industrial uses cease (or that the following uses cease...) and all associated equipment be removed from the subject property effective immediately.

3. Deny the application

The LTC may deny the application. The implications of this alternative are similar to 2. (above)

Recommended wording for the resolution is as follows:

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

NEXT STEPS

- If the alternative 1 (above) is selected, staff will report back to the LTC once the requested information is received with a draft TUP.

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

1. Terms of Reference Letter
2. Correspondence



200-1627 Fort Street, Victoria, BC V8R 1H8
Telephone 250 405-5151 Fax 250 405-5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC
1.800.663.7867
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

April 16, 2019

File Number: NP-TUP-2018.5

Aaron Grimmer
Via email: aaron.grimmer@gmail.com

Dear Aaron Grimmer

Re: Temporary Use Permit Application – Terms of Reference for Environmental Management Plans

As requested by resolution of the North Pender Islands Local Trust Committee (LTC); the purpose of this letter is to request the applicant to provide an updated Environmental Assessment prepared by qualified licensed professional(s) including three (3) Environmental Management Plans based on a coordinated terms of reference to address potential risks to groundwater aquifers under and surrounding the subject property and potential risks to the downslope Riparian Area Regulation stream from surface runoff by the proposed use as concluded by the January 2019 Environmental Assessment Report by TRI Environmental Consulting Inc submitted in response to a Development Approval Information letter from September 18, 2018.

The resolution passed by the LTC at their Regular Meeting on February 28, 2019 is as follows:

NP-2019-027

It was Moved and Seconded,

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

CARRIED

In addition to information already received, you are requested to:

1. Retain a licensed qualified environmental professional consulting company to coordinate directly with Islands Trust Staff for specific details regarding the scope of the Environmental Assessment update and terms of reference for associated environmental management plans including (a) Water Management Plan, (b) Petroleum Hydrocarbon Management Plan, and (c) Chemical Storage and Handling Plan.
2. Provide an updated Environmental Assessment report including (3) Environmental Management Plans based on the above (1.) coordinated terms of reference with the Islands Trust and the licensed qualified environmental professional consulting company to address potential risks to groundwater aquifers under and surrounding the subject property and potential risks to the downslope Riparian Area Regulation stream from surface runoff.

3. Provide an overview of the hours of operation of the site, and expected volumes of truck traffic coming and going from the site, including the proposed number of trips per day, and the designated days per week.

If you or your consultant(s) have any questions concerning these requirements stated above, they should not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'TESTEMALE', with a stylized flourish above it.

Phil Testemale
Planner 2
Local Planning Services

Cc: Robert Kojima, Regional Planning Manager (via email)
William Shulba, Senior Freshwater Specialist (via email)

z:\09 current planning\09 np\3540 tup\25 applications (p)\2018\np-tup-2018.5 (grimmer)\correspondence\applicant correspondence\np-tup-2018.5 tor. environ. mgmt. plans_2019-04-16.docx



From: stephanie aitken <[REDACTED]>
Sent: Sunday, July 14, 2019 8:36 AM
To: Deb Morrison <dmorrison@islandstrust.bc.ca>; North Pender Island Local Trust Committee <NorthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>; Phil Testemale <ptestemale@islandstrust.bc.ca>; Sharon Lloyd-deRosario <slloyddeRosario@islandstrust.bc.ca>; Benjamin McConchie <bemcconchie@islandstrust.bc.ca>
Subject: concerns about water

Hello Trustees,

I emailed you once before as I'm the new owner at [REDACTED]. I recently attended the Islands Trust meeting at the Pender Community Hall on July 4th. Further to your conversation and concerns raised by Deb, I'd like to make known my support of immediate professional environmental assessment and oversight concerning tailings and other byproducts of concrete processing happening across the road from my property.

I understand that the site in question, next to the recycling depot, is also a potential site of a limited waste transfer facility. I'm writing now to request that oversight and testing be done on the current batch plant to ensure safe containment and disposal *independent of any proposed potential use of the subject property as a waste management site*. I understand that you are also concerned about potential environmental impacts of the current concrete batch plant facility and that you have only issued a temporary use permit for this location. My concern is that detrimental environmental impacts may be taking place currently, specifically as regards water, due simply to the nature of the type of industry taking place and in no way disparaging the operators. I understand I'm coming late to this conversations and, unlike the previous owners of my property, I don't object to noise and activity in general (I'm very happy to be adjacent to the recycling centre as I don't have a car). I do however have grave concerns about potential contamination of our water. This concern would also apply to a waste transfer facility adjacent to our property.

Thank you for your consideration,

Stephanie Aitken

[REDACTED]
North Pender Island

File No.: NPI LTC 6500-20 Waste
Management

DATE OF MEETING: July 25, 2019
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
SUBJECT: Bylaws 214, 215 – Land Use Planning for Waste Transfer

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Rescind Second Reading of Bylaw 214, cited as North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017.
2. That the North Pender Island Local Trust Committee Rescind First Reading of Bylaw 214, cited as North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017.
3. That the North Pender Island Local Trust Committee Rescind Second Reading of Bylaw 215, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017.
4. That the North Pender Island Local Trust Committee Rescind First Reading of Bylaw 215, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017.
5. That the North Pender Island Local Trust Committee revise Bylaws 214 and 215 as shown in the drafts attached to the staff report prepared for the meeting of July 25, 2019

REPORT SUMMARY

The purpose of this report is to provide an update on revisions made by the LTC to the bylaws for the Land Use Planning for Waste Management project.

BACKGROUND

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

At the July 4th meeting, the LTC reviewed the proposed changes to the bylaws and passed the following resolutions making further revisions:

NP-2019-066

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request staff to remove item 2.7 from the draft Bylaw 215.

CARRIED

NP-2019-067

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request that staff include the Mainroad site and the MacDonald Farm site, as previously identified, for limited transfer in the draft Bylaws 214 and 215.

CARRIED

Trustee McConchie opposed

NP-2019-068

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request that staff replace the phrase “waste management” with “discarded materials management” in key definitions in the draft Bylaws 214 and 215.

CARRIED

The LTC also scheduled a community information meeting for the September LTC meeting, and endorsed the [project charter](#).

ANALYSIS

Bylaw 215 has been revised to delete the proposed amendment to the I1(b) zone which would have added agriculture as a permitted use to that location.

The I2(a) location (‘Mainroad’ property) has been re-inserted, along with re-inserting a portion of the ‘McDonald Farm’ property. The LTC should review the maps and confirm that this is the location that should be considered (earlier versions of the bylaw had the use located more centrally on the property).

The final resolution refers to replacing the term “waste management” with discarded materials; “waste management” is not used in the bylaws, but based on the discussion at the meeting staff have revised the bylaws to:

1. Use the heading “discarded materials” for all aspects of the activities, including refuse being transferred to the landfill, recyclables/renewables and compost;
2. Define and use the term “solid waste” to solely refer to waste being landfilled (i.e. garbage).
3. Ensure that the various types of facility specify solid waste, recyclables, organics, or compostables depending on the type of facility.

Bylaw 214 (OCP amendment) has been revised to

- Replace the term “Solid Waste” with “Discarded Materials Management” in the headings.
- Replace reference to disposal of solid waste in the background section to management of discarded materials.
- To distinguish solid waste from recyclables throughout.

Bylaw 215 (LUB Amendment) has been revised to add clarity to the definition of ‘solid waste’ to distinguish that term from renewable and recyclables.

The TUP guidelines were also reviewed and the first guideline includes 'composting' as a potential use that can be considered by TUP application.

In summary, the bylaws now would:

- Zone the existing drop-off at Medicine Beach Market (C1(e) zone) for that use.
- Zone the three existing Industrial sites for limited waste transfer (the two industrial zones on Otter Bay Road and the Mainroad site).
- Zone and designate a portion of the McDonald Farm property for limited waste transfer as a new Industrial zone.
- Establish a development permit area for new work on the zoned sites.
- Require a TUP or rezoning for drop-off or limited waste transfer uses in other locations.
- Require a TUP or rezoning for a full service facility in any location.

The re-drafted Bylaws 214 and 215 are attached with proposed revisions highlighted.

Finally, if the LTC is satisfied with these versions of the bylaws this is the opportunity for the LTC to rescind First and Second Reading of the bylaws and accept the revisions. This would reduce confusion around having two sets of bylaws and simplify the making of further changes until such time as the LTC is ready proceed with the legislative process of readings.

Consultation

The LTC has already scheduled a community information meeting for the September LTC meeting.

Rationale for Recommendation

Introducing changes to the OCP and LUB related to waste transfer will help address issues that have been unresolved for many years. Zoning the existing public-drop and permitting limited waste transfer on the industrial sites, and potentially a portion of the Rural McDonald Farm property, will provide opportunity for the use to occur in appropriate locations. Regulation through DPA designation will ensure that environmental and other potential impacts are addressed when development occurs on the sites. Providing for application by TUP would provide the opportunity to test any new proposals for limited waste transfer and public drop off waste transfer in other locations.

ALTERNATIVES

1. Leave Bylaws 214 and 215 at Second Reading

The LTC could rescind the readings and make amendments at a future meeting.

2. Request further information

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

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

3. Request further revisions to the bylaws

The LTC may request staff to make further revisions to the draft bylaws.

That the North Pender Island Local Trust Committee request staff to make further revisions to the draft Bylaws to....

4. Proceed no further

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

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

NEXT STEPS

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

- Community information meeting is scheduled for September 5th LTC meeting
- Staff to prepare information material and provide for feedback opportunities
- Consider potential further revisions resulting from feedback at the September meeting

Submitted By::	Robert Kojima, Regional Planning Manager	July 12, 2019
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ATTACHMENTS

1. Bylaw 214 with proposed revisions
2. Bylaw 215 with proposed revisions

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 214

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

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

1. CITATION

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

2. SCHEDULES

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

2.2 North Pender Island Official Community Plan No. 171, 2007 Schedule “A” is further amended as shown on Schedule 2 attached to and forming part of this bylaw.

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

2.4 North Pender Island Official Community Plan No. 171, 2007 Schedule “B” – Land Use Map - is amended, as shown on Schedule 4, attached to and forming part of this bylaw.

3. SEVERABILITY

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

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

Chair

Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 214

SCHEDULE 1

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

Describe types

1. Section 1.2 (Goals), is amended by adding a new goal as follows:

19) To minimize solid waste and maximize recycling and resource recovery in the management of solid waste and discarded materials.

2. Section 3.3.2 (Solid Waste Disposal) "~~Background~~" is amended by

a. By replacing the phrase "Solid Waste" in the headings with the phrase "Discarded Materials Management"

b. The "Background" paragraph is amending by replacing the phrase "Solid waste produced on North Pender Island is disposed of" with the phrase "Discarded materials generated on North Pender Island are managed"

2-c. The "Background" paragraph is amending by adding following the first paragraph:

"Types of Waste Transfer Services can include the following types of services:

1) **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 ~~can~~ may include commercial recycling and composting as well as public drop off ~~waste transfer, or public drop off of recycling.~~

2) **Limited waste transfer:** The use of land, buildings or structures for receiving, storing, sorting, compacting and transferring residential and/or commercial solid waste ~~including or commercial recycling. It excludes commercial composting or, public drop off waste transfer and public drop off of recycling.~~

3) **Public drop-off waste transfer:** The use of land, buildings or structures to accommodate the drop of solid waste and organic materials by the general public for transfer to another location.

4) **Recycling and reuse facility:** The use of land, buildings or structures for receiving, storing, sorting, compacting and transferring recyclable materials that originate from residential, commercial, institutional, demolition or construction sources, and includes public drop off"

3. ~~Section 3.3.2 (Solid Waste Disposal)~~ is amended by adding new ~~objectives under Solid Waste Objectives~~ as follows:

3) To support the reduction, recycling, and reuse of solid waste and discarded materials.

4) To accommodate the facilities and services that provide North Pender Island with necessary collection, storage, processing, and transfer of solid waste and recyclable

materials, while minimizing the impacts on neighbourhoods, community health and the island's environment.

5) To protect the island's environment from contamination by solid waste, ~~and including recyclable materials and compost.~~

4. Section 3.3.2 (~~Solid Waste Disposal~~) is amended by adding new policies ~~under Solid Waste Policies~~ and re-numbering the Advocacy Policies accordingly:

"3.3.2.4 The Local Trust Committee may permit and regulate the appropriate development of sites to provide the community with Limited Waste Transfer, Full service Waste Transfer, and Public drop-off Waste Transfer and Recycling and reuse facilities.

3.3.2.5 Waste transfer uses should be protected from hazardous conditions and should not adversely affect the rural and residential character of the community, the natural environment, or farming.

3.3.2.6 Public drop off waste transfer should be permitted in the C1(e) zone. Applications may be considered for public drop off waste transfer in other appropriate locations.

3.3.2.7 Limited waste transfer services should be permitted in appropriate Industrial zones. Outside of appropriate Industrial zones, applications may be considered for limited waste transfer services in other appropriate locations

3.3.2.8 Full Service Waste Transfer should be permitted by application only.

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

3.3.2.10 The Local Trust Committee ~~may~~ 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.

3.3.2.11 The Local Trust Committee may support both publicly and privately-operated solid-waste transfer sites.”

4. Section 3.3.2 (~~Solid Waste Disposal~~) is amended by adding a new policy under Advocacy Policies:

“3.3.2.16 The Local Trust Committee encourages the Capital Regional District to regulate waste transfer operations on North Pender Island.”

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

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

SCHEDULE 2

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

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

“5.2.12 DEVELOPMENT PERMIT AREA ELEVEN – WASTE TRANSFER DEVELOPMENT PERMIT AREA

5.2.12.1 Authority

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

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

5.2.12.2 Special Conditions or Objectives that Justify the Designation

Development Permit Area Eleven encompasses all lands ~~shown on Schedule “Q”~~ which may be zoned by the North Pender Island Local Trust Committee to permit the operations of **waste transfer uses, including-receiving, storing, sorting, compacting and transferring solid waste, including and commercial recycling.**

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

- a. To ensure that the waste transfer uses, including commercial recycling, as permitted on North Pender Island, can develop with the least impact on the natural environment.
- b. To ensure that the waste transfer uses, including commercial recycling, as permitted on North Pender Island, can develop with the least impact on neighbouring properties.

- c. To avoid a level of design regulation that could affect the viability of waste transfer uses, including commercial recycling.
- d. To buffer agricultural land from impacts associated with waste transfer uses including commercial recycling.

5.2.12.3 General Applicability

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

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

5.2.12.4 Designation

This development permit area includes all land in the Bylaw Area that is zoned I2 (a), I2(b), I2(c), I2(d) and C1(e). The Waste Transfer DPA is designated as an area for which development approval information may be required as authorized by Section 485 of the Local Government Act. Development approval information in the form of a report from a qualified professional may be required due to the special conditions and objectives described herein.

5.2.12.5 Application Requirements

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

5.2.12.6 Development Permit Exemptions

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

- a. Subdivision of land;
- b. Maintenance of existing landscaping;
- c. Repair and maintenance of existing buildings or structures, including lighting and signage, provided there is no addition to lot coverage or floor area, no exterior alterations requiring a building permit, and no change in the use of external materials that would result in the alteration of the form and character of the building or structure;
- d. Internal renovations or alterations;
- e. Repair and maintenance of existing roads, parking areas, paths and trails;
- f. Limited waste transfer service, full service waste transfer and/or public drop off waste transfer where a temporary use permit has been issued.

5.2.12.7 Guidelines

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

GUIDELINES FOR THE PROTECTION OF THE NATURAL ENVIRONMENT

General Guidelines for Environmental Protection

- 1) All leachate should be managed to protect natural watercourses and prevent the release of any contaminants from waste transfer uses, including commercial recycling, into the environment.
- 2) All trees and native vegetation should be retained except as necessary to establish the work and storage areas required for waste transfer uses, including commercial recycling, and as necessary to establish fire separation buffers.

Guidelines for Water Protection

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

GUIDELINES FOR THE PROTECTION OF DEVELOPMENT FROM HAZARDOUS CONDITIONS

Guidelines for the Protection of Development from Wildfire Hazard

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

Guidelines for the Protection of Development from Flood Risk

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

Guidelines for the Protection of Development from Slope Hazard Risk

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

GUIDELINES FOR THE PROTECTION OF FARMING

General Guidelines for the Protection of Farming

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

GUIDELINES FOR THE FORM AND CHARACTER OF INDUSTRIAL DEVELOPMENT

Guidelines for General Site Design, Building Location and Access

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

GUIDELINES FOR THE FORM AND CHARACTER OF BUILDINGS AND STRUCTURES

General Guidelines for the Form and Character of Buildings and Structures

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

Guidelines for Lighting

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

the sea should be avoided. Fixtures should not result in glare when viewed from residential areas.

Guidelines for Signage

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

VARIANCE PERMITS TO MEET DEVELOPMENT PERMIT AREA GUIDELINES

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

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

SCHEDULE 3

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

Part 6 (Temporary Use Permits) is amended to reflect changes to bylaw language as follows:

Section 6.1 “Commercial and Industrial” is removed.

Section 6.2 “Commercial and Industrial” is removed

Part 6 (Temporary Use Permits) is amended by inserting the following as new section 6.5 as follows:

“6.5 In addition to 6.1, 6.2, 6.3 above, and the general regulations (3.19) and off-street parking requirements (6.1.2) identified in the North Pender Local Trust Committee Land Use Bylaw, the following guidelines apply when the Local Trust Committee is considering the issuance of a temporary use permit for a ~~solid~~-waste transfer service:

6.5.1 For the purpose of a temporary use permit “~~solid~~-waste transfer service” means the use of land, buildings or structures for receiving, storing, sorting compacting and transferring residential and/or commercial solid waste, recycling ~~and or~~ compost. It can include commercial recycling and composting as well as public drop off waste transfer, or public drop off of recycling;

6.5.2 The Local Trust Committee should consider potential impacts of the ~~solid~~ waste service to the surrounding groundwater resources.

6.5.3 All leachate should be managed to protect natural watercourses and prevent the release of any contaminants from ~~solid~~-waste transfer services into the environment.

6.5.4 All trees and native vegetation should be retained except as necessary to establish the work and storage areas required for ~~solid~~-waste transfer services and as necessary to establish fire separation buffers.

6.5.5 All development associated with ~~solid~~-waste transfer services should avoid negative impacts on riparian areas, natural watercourses, and groundwater aquifers.

6.5.8 All development associated with ~~solid~~-waste transfer services should avoid negative impacts on fish habitat and marine ecosystems.

- 6.5.9 ~~Solid-w~~Waste transfer services should be designed to control drainage and erosion to prevent undesirable impacts resulting from new impervious surfaces or changes to site drainage.
- 6.5.10 ~~Solid-w~~Waste transfer services should be constructed to prevent stormwater and runoff from contacting solid waste and recyclable materials.
- 6.5.11 ~~Solid-w~~Waste transfer services should be designed to protect such uses from wildfire hazards.
- 6.5.12 A cleared area should be maintained between the perimeter vegetative buffer and all buildings, structures and work areas.
- 6.5.13 Water supply for fire protection should be provided.
- 6.5.14 Emergency vehicles should be able to readily reach all parts of the development.
- 6.5.15 Where a property contains a surface water body it should be demonstrated that the ~~solid~~-waste transfer service is not at risk from flooding.
- 6.5.16 Where a property may be subject to a steep slope hazard according to Islands Trust mapping, it should be demonstrated that the ~~solid~~-waste transfer service is not at risk of geotechnical hazard.
- 6.5.17 Where a ~~solid~~-waste transfer services is sited adjacent to farm land, the uses should be sited, and provide adequate vegetative screening, landscaping, or fencing to adequately separate or buffer the uses from farmland.
- 6.5.18 Site access to ~~solid~~-waste transfer services should maintain the general character of the surrounding neighbourhoods as much as possible.
- 6.5.19 All waste transfer uses, including commercial recycling and commercial composting, should be sited to allow vehicles to maneuver without having to block or back onto adjacent streets.
- 6.5.20 All ~~solid~~-waste transfer services should be sited and designed for traffic circulation that meets anticipated service levels.
- 6.5.21 All ~~solid~~-waste transfer services should be sited and designed to minimize visual impacts on neighbouring properties and public areas. Particular attention should be paid to locating loading docks, garbage and recycling containers and other service areas so that visual impacts are minimal.
- 6.5.22 Storage of waste should be sited as far from adjacent residential and commercial uses as possible.

6.5.23 Buildings and other structures should utilize existing topography and vegetation and be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.

6.5.24 Building mass shall be scaled to complement surrounding residential development and be softened by the use of small-scale elements.

6.5.25 Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas.

6.5.26 Lighting should be kept to the minimum necessary for safety and visibility, to maintain a low level of light in the island's nighttime atmosphere.

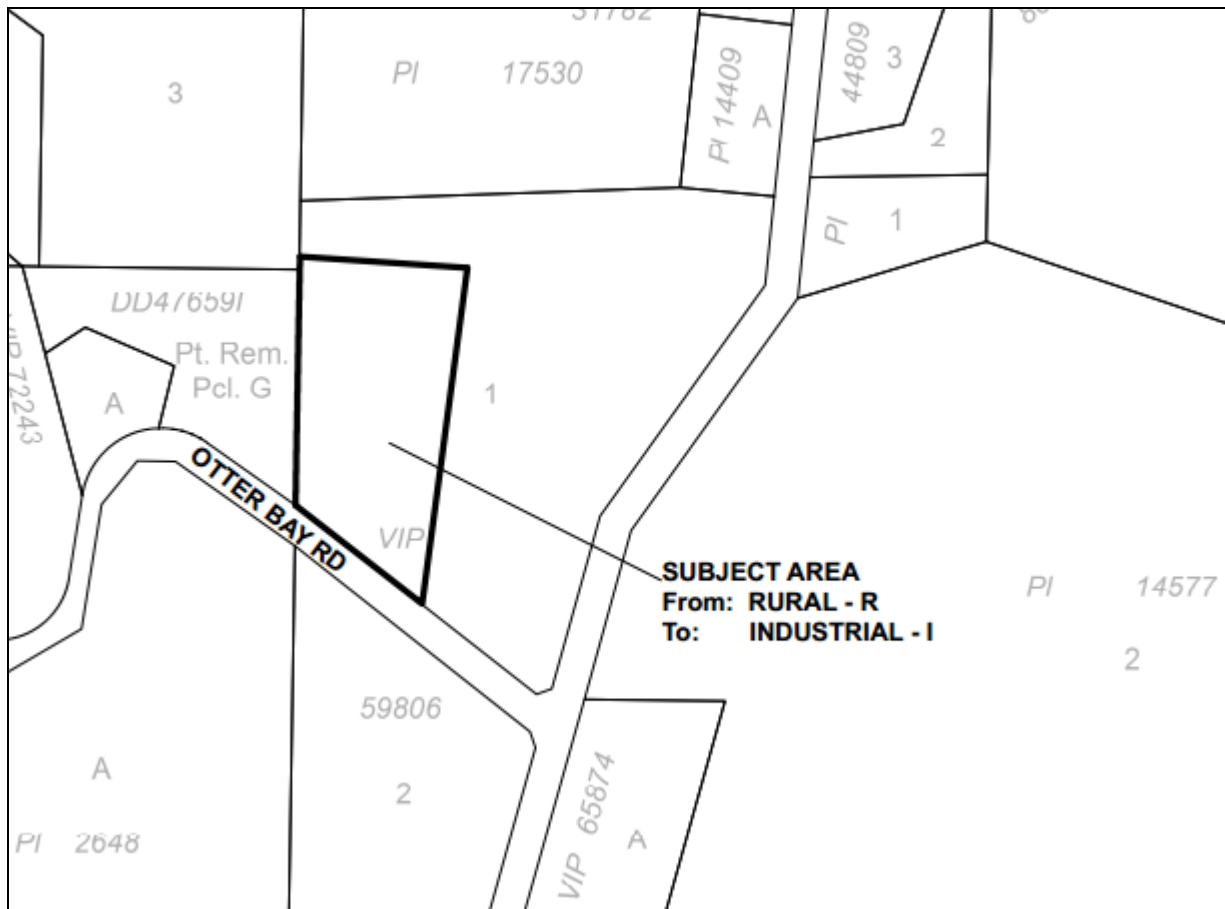
6.5.27 Light fixtures mounted on masts or walls should be pedestrian in scale and should not exceed 3.5 metres in height.

6.5.28 Light fixtures should focus light on the area to be illuminated. The spillage of light into onsite residential areas, neighbouring properties, streets or other public areas including the sea should be avoided. Fixtures should not result in glare when viewed from residential areas.

6.5.29 Signs should not be sited more than 5 m above the ground."

SCHEDULE 4

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



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 215

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW NO. 103, 1996

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

(1) Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017”.

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

2.1. Section 1.1 – Definitions, is amended to add the following:

“commercial composting” means the use of land, buildings or structures for commercially processing organic matter through the biological decomposition of organic materials in accordance with the *Environmental Management Act and Public Health Act* and associated Organic Matter Recycling Regulation, and the Capital Regional District Composting Facilities Regulation Bylaw.

“commercial recycling,” means the use of land, buildings or structures for receiving, storing, sorting, compacting and transferring recyclable materials that originate from commercial, institutional, demolition or construction sources, but not from household residential sources.

“full service waste transfer” means the use of land, buildings or structures for:

- (1) receiving, storing, sorting, compacting and transferring solid waste;
- (2) commercial recycling;
- (3) commercial composting; and
- (4) public drop off waste transfer.

“hazardous waste” means hazardous waste as defined in the Hazardous Waste Regulation under the *Environmental Management Act*.

“limited waste transfer” means the use of land, buildings or structures for receiving, storing, sorting and transferring solid waste and commercial recycling, and excludes commercial composting, public drop off waste transfer, or public drop off of recycling.

“public drop off waste transfer” means the drop off of solid waste and organic materials by the general public.

“solid waste” means non-renewable or non-recyclable refuse materials that originates from residential, commercial, institutional, demolition, land clearing or construction sources.

2.2 Section 1.1 – Definitions, is amended by deleting the definition of “recycling facilities” and replacing it, as follows:

“recycling and reuse facility” means the use of land, buildings or structures for receiving, storing, sorting, compacting and transferring recyclable materials that originate from residential, commercial, institutional, demolition or construction sources, and includes public drop off.

2.3 Article 3.2.1(2) is amended by deleting “or the Waste Management Act,” after Sewage Disposal Regulation.

2.4 Part 3 – General Regulations is amended by adding a new Section 3.19 as follows:

“3.19 Waste Transfer Regulations

3.19.1 The following regulations apply to waste transfer uses:

- (1) All solid waste, recyclable materials and compost materials must be located on impervious surfaces designed with a drainage control system to prevent any release of any contaminants from the materials into the environment.
- (2) All solid waste, recyclable materials, and compost materials must be contained and located within buildings or sealed collection bins.
- (3) Hazardous waste must not be received, collected, stored, or transferred.
- (4) Asbestos must not be received, collected, stored, or transferred.
- (5) All waste transfer uses must be screened from view along non-industrial zone boundaries and along highways, in accordance with subsection 3.13.1(2).

3.19.2 Setbacks:

- (1) No building or structure, or external storage of materials or equipment used for any waste transfer use may be sited within 30 metres of a well, the natural boundary of any lake, wetland, stream or sea.
- (2) No building or structure, or external storage of materials or equipment used for a full service waste transfer use may be sited within 30 metres of any lot line shared with a property in the Rural, Rural Residential or Agriculture zone.
- (3) No building or structure, or external storage of materials or equipment used for a limited waste transfer use ~~or public drop off of waste transfer~~ may be sited within 15 metres of any lot line shared with a property in the Rural, Rural Residential or Agriculture zone.
- (4) No building or structure, or external storage of materials or equipment used for a limited waste transfer use or public drop off of waste transfer may be sited within 3 metres of any front, rear, interior side, or exterior side lot line lot line.

3.19.3 A maximum of one building with a maximum floor area not exceeding 150 square metres is permitted for a limited waste transfer use.

3.19.4 A maximum of one building with a maximum floor area not exceeding 35 square metres, and a maximum height of five metres, is permitted for public drop off of waste transfer.

3.19.5 The regulations in Section 3.18 do not apply to a recycling and reuse facility.

Information Note: Commercial composting facilities must also comply with other regulations including the provincial Organic Matter Recycling Regulation (OMRR), the BC Agriculture Waste Control Regulation, WorkSafeBC and other applicable regulations. The BC Farm Industry Review Board is set up to address issues arising from farm activities including odour.”

2.5 Subsection 6.1.2 - Off-Street Parking, is amended by adding new rows to Table 2, as follows:

TABLE 2: Off-Street Parking Requirements Continued		
	Use	Minimum Number of Parking Spaces Required
(u)	Full service waste transfer	10 spaces
(v) (w)	Public drop off waste transfer Limited waste transfer	3 spaces

2.6 Subsection 8.4.8 – Site Specific Regulations, is amended by adding the following in Column 3 of the Site Specific Zone Reference C1(e), following (h): “and public drop off waste transfer”.

2.7 Subsection 8.8.8 – Site Specific Regulations, is amended by replacing the Site Specific Zone Reference I1(b) as follows:

I1(b)	Portion of the NW ¼ of Section 11 except the south 26.364 chains and except Parcel A (DD1438081) and except those parts shown outlined in red on Plan 5632 and 262R and except those parts in Plans 5856, 7982 and 20898	Despite 8.8.2(1), the only permitted uses are boat storage and agriculture. <i>Information Note: Boat storage is only permitted within the Agricultural Land Reserve if approved as a non-farm use by the Agricultural Land Commission.</i>

2.87 –Subsection 8.9.8 – Site Specific Regulations, is amended by deleting the word “and” before the words “the processing, crushing and storage of gravel” and adding “and limited service waste transfer” to the end of the uses listed in Column 3 of the **Site Specific Zone Reference I2(a).**

2.98 -Subsection 8.9.8 – Site Specific Regulations, is amended by deleting the word “and” before the words “the processing, crushing and storage of gravel” and adding “and limited service waste transfer” to the end of the uses listed in Column 3 of the **Site Specific Zone Reference I2(b).**

2.109 Subsection 8.9.8 – Site Specific Regulations, is amended by deleting the word “and” before the words “the processing, crushing and storage of gravel” and adding “, and limited service waste transfer” to the end of the uses listed in **Column 3 of the Site Specific Zone Reference I2(c).**

2.10 Subsection 8.9.8 – Site Specific Regulations, is amended by adding a new Site Specific Zone Reference I2(d) as follows:

<u>I2(d)</u>	<u>Portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806</u>	<u>Despite 8.9.2(1), the only use permitted in this location is agriculture and limited waste transfer.</u>

2.11 Subsection 8.12.2(1)(a) is deleted and replaced with “recycling and reuse facility.

2.12 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806 from Rural to I2(d), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.

”

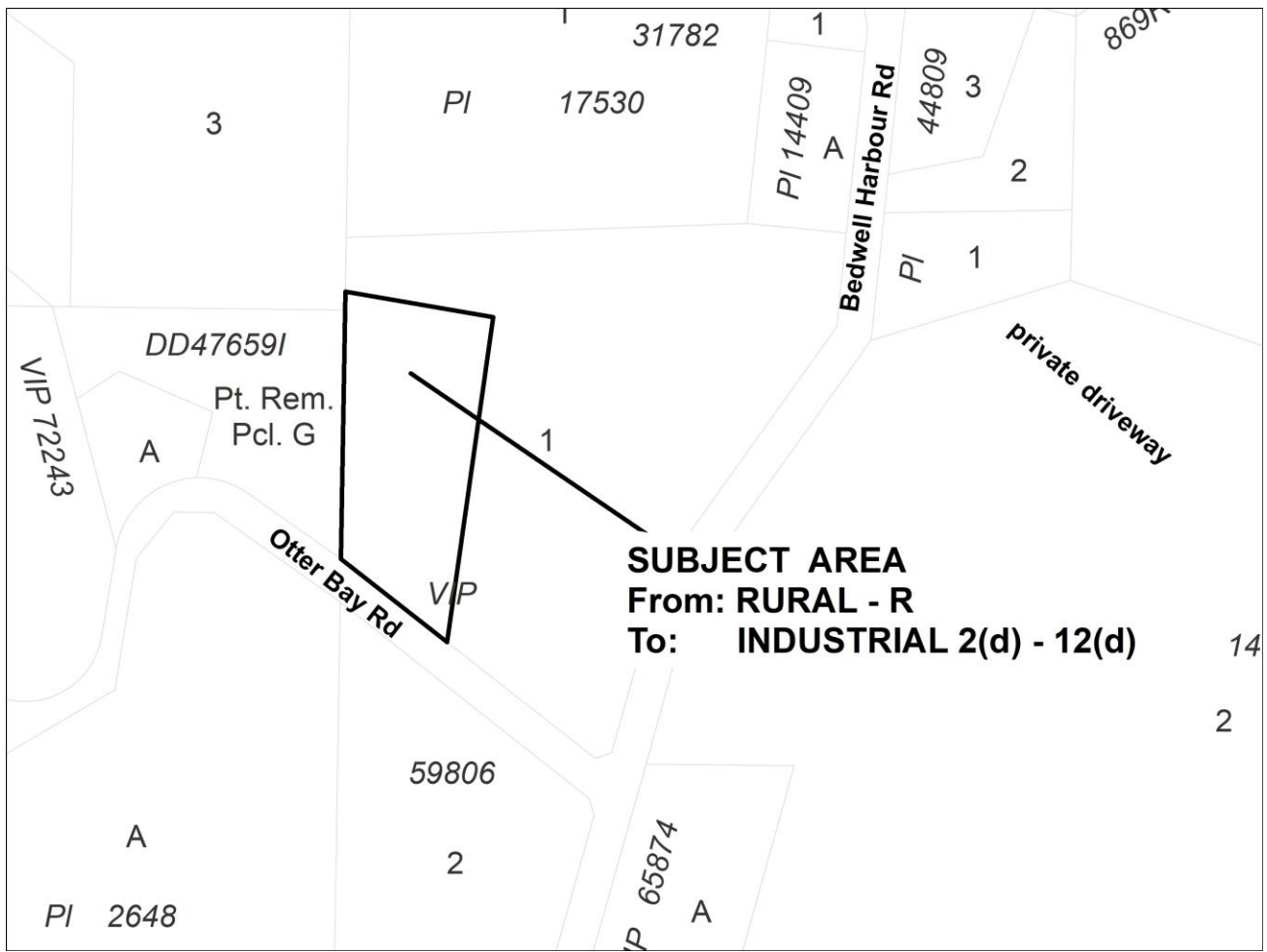
3. SEVERABILITY

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

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

Chair

Secretary

Plan No. 1

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

PURPOSE

At the meeting of July 4th, the LTC requested a brief summary of the history of James Island bylaws and covenants in response to a public submission. The following memo and the attachments provide a summary of the bylaw amendments and associated covenants.

BACKGROUND

The attached memo was prepared in 2015 in response to a similar submission to the LTC of the day. It summarizes the rezoning process undertaken between 2005 and 2008, the changes made to the long-standing zoning, and the covenants registered on title.

In summary:

- The bylaw amendments adopted in 2008 reduced the development potential on James Island from 210 lots to 80 lots.
- Replaced a covenant designating park dedication locations with:
 - a [conservation covenant](#) granted to the Nature Conservancy of Canada (NCC) and the Local Trust Committee (LTC), protecting several significant natural areas on James Island.
 - a [subdivision control covenant](#) was registered which would require, at time of subdivision the registration of site specific covenants and cash in lieu of parkland be provided to the Capital Regional District at the greater of 5% of the value of the land being subdivided or \$1.5 million.
 - Finally, a [Statutory Right-of-way \(SRoW\)](#) was registered on title to all the lots on the island providing access to the conservation covenant areas for educational and research purposes relating to wildlife and habitat.

In 2017, a procedure was established for the statutory right-of-way for educational access, consisting of a written procedure (attached), an administrative agreement with NCC (attached) and an [application](#). Access requests related to the conservation areas have been, and continue to be, handled by NCC. To date there have been no access requests made to Islands Trust. Information is posted on the North Pender [Resources](#) webpage.

A subdivision application was made in 2008, but upon receiving a preliminary layout approval (PLA) the application became dormant, although the PLA was renewed periodically by MoTI. Recently, representatives of the owners have contacted Islands Trust and MoTI indicating that the owners are working towards completing the PLA conditions.

The LTC has also requested options with respect to changing the current zoning and covenants. Amendments to the Associated Islands OCP and LUB could be initiated as an LTC project (subject to funding and staff resources), however the owners would have one year to complete the subdivision under the current bylaw provisions following adoption of any amendments; any revisions to the covenants would need to be agreed between the parties (the owner, NCC and the LTC in the case of the conservation covenant and Statutory right-of-way; the owner and the LTC in the case of the subdivision control covenant).

Submitted By:	Robert Kojima, Regional Planning Manager	July 11, 2019
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ATTACHMENTS

1. Memo – February 23, 2015
2. Educational Access Procedure
3. Educational and Research Access Administrative Agreement



Memorandum

Date February 23, 2015 File Number NP -
To North Pender Island Local Trust Committee
From Robert Kojima,
Regional Planning Manager
Re James Island

At the February 3, 2015 meeting the LTC received correspondence relating to James Island, one of the North Pender Associated Islands. The LTC requested that the item be placed on the next agenda and staff offered to provide a briefing on the James Island rezoning process. The rezoning application for James Island extended for over more than 2 years and involved a significant number of reports and meetings. The following are the key steps in the process:

- James Island has a history as a munitions plant from the early 1900s through the 1960s, along with an associated residential community. There was extensive contamination resulting from the munitions plant.
- James Island was rezoned in 1989 under a Rural Land Use Bylaw (RLUB) to permit 210 lots, each with one dwelling, a golf course, and commercial uses associated with the golf course.
- As a condition of rezoning a s. 219 covenant was granted in 1989 requiring, at the time of subdivision, park dedication or transfer to the Islands Trust of 24.6 ha (7.2% of the island) as parkland, along with dedication or a statutory right-of-way for a public trail to access the parkland.
- Other than development of the golf course, the subdivision did not proceed and the parkland was not dedicated. New owners purchased the island in the early 2000s and commenced an environmental clean-up of the contaminated lands.
- An application was submitted to Islands Trust in September 2005 by the owners to rezone the island to permit creation of 80 lots by subdivision, each lot was proposed to have one house and one cottage, and to replace the parkland dedication covenant with a conservation covenant to be granted to the Nature Conservancy of Canada.
- The application was reviewed and a number of professional reports were required including an archaeological report, several environmental assessments, a slope hazard assessment and groundwater assessment. Trust Fund staff reviewed of professional reports.

- The application and draft bylaws were referred to agencies and First Nations in March 2006, including to the Archaeology Branch and the Tsawout First Nation.
- Based on the Archaeology Branch response staff recommended revisions to the draft OCP bylaw and that the applicant be requested to have a report prepared by a consulting archaeologist. The LTC resolved that the applicant be requested to retain a consulting archaeologist, in consultation with the provincial Archeology Branch, to determine the presence of recorded sites and the potential for unrecorded sites.
- A report dated June 7, 2006 titled "Archaeological Reconnaissance – Proposed Re-zoning Application James Island" was prepared by Millennia Research Limited. Copies of the report were submitted to the owner, Tsawout First Nation, the Archaeology Branch and Islands Trust.
- Based on the key recommendation of the Archaeological Report, the LTC amended Bylaw 170 (LUB amendment) to establish a 50 metre setback in the northern portion of the island to protect an archaeological site.
- After signification deliberation and debate, the LTC resolved to proceed with the application. The LTC agreed (although not unanimously) that the proposed land use changes were preferable to the uses and density permitted by the existing RLUB, and that based on the presence of rare and threatened flora a conservation covenant granted to the NCC and the LTC at the time of rezoning for 20% of the island was preferable to a lesser amount of dedicated park obtained at time of subdivision. The LTC's decision was also informed by the fact that a significant amount of public land in the Associated Islands area had recently become part of the Southern Gulf Islands National Park Reserve and was accessible to the public. (Please see the attached table for a comparison of RLUB provisions and the then proposed amendments).
- A s. 218 statutory right-of-way was also required as a condition of rezoning that provides for the NCC (or the LTC) to grant access to third parties to the conservation areas for educational and research purposes.
- A subdivision control covenant was also required, which included a provision that at the time of subdivision additional site specific protections be registered and that cash-in-lieu of parkland would be provided to the CRD at either 5% of the value of the land being subdivided or \$1.5 million, whichever was greater.
- No response to the referral was received from First Nations prior to the first Public Hearing held Nov 16, 2006, nor prior to a second public hearing held October 4, 2007.
- On April 8, 2008, prior to final adoption of the bylaws, correspondence was received from the Tsawout First Nation, citing the need for protection for archaeological sites and denial of access to the lands by the owner.
- Staff provided a memo to the LTC on May 15, 2008, advising that a comment has been received after the hearing and that a review of the information suggested that the issues that were raised should be

addressed by the applicants and the province. The applicant and appropriate government agencies were contacted regarding the issue.

- The bylaws were adopted on June 13, 2008 with the conservation covenant, subdivision control covenant, and statutory right-of-way registered on title.
- The owners prepared a plan of subdivision and submitted an application to MoTI in 2008, which received a PLA. The owners did not complete the conditions of the PLA and the subdivision has not proceeded. The island was subsequently placed on the market for sale.
- The Nature Conservancy of Canada has undertaken restoration, enhancement and research work in the covenant areas over the past several years.

pc Justine Starke, Island Planner

Attachments: Table of Zoning Comparison
Correspondence from M. Sketch, dated February 1, 2015

	<u>RURAL LAND USE BYLAW</u>	<u>CURRENT ZONING</u>
TOPICS	James Island Rural Land Use Bylaw No. 47 - 1989	North Pender Associated Islands Land Use Bylaw No. 148, 2003 (as amended by Bylaw 170)
Density		
Residential density	210 lots - one house per lot	80 lots - one house and one cottage per lot
Hectares and % of island in Residential Land Use	104 ha - 30% of James Island	101.8 ha - 29.4% of James Island
Commercial uses		
Commercial Zone (Land Area)	1.4 ha - 0.4% of James Island	6.4 ha - 1.9% of James Island
Commercial (Floor area limits)	Retail sales - 969 sq ft Other Commercial uses: clubhouse, private recreational facilities, restaurant, personal service, meeting rooms, offices, public service, accessory residential were regulated by 75% lot coverage, height and setbacks	All uses in the commercial zones are limited to a combined maximum floor area of 3252 square metres (35,000 square feet)
Recreational uses		
Zones	<u>Commercial Zone</u> – Private recreational facilities <u>Greenbelt Zone</u> – golf course, public education, museum, outdoor recreation, equestrian centre, game farm <u>All zones</u> – hiking, horse riding trails and bicycle paths	<u>Commercial Zone</u> – community recreational uses <u>CD3 Zone</u> – community recreational uses <u>Conservation Zone</u> – trails, stairs, walkways, and structured or floating walkways <u>All zones</u> – hiking, equestrian and bicycle trails
Parkland/Conservation Areas		
Hectares and % of James Island in Park or Resource Conservation	24.6 ha - 7.2 % of James Island pre-designated for park dedication in s. 219 covenant.	67 ha - 19.6% of James Island in Resource Conservation zoning and under conservation covenant granted at time of rezoning
Conservation/Park Dedication at the time of Rezoning	none	Conservation covenant (held by Nature Conservancy of Canada and North Pender Island Local Trust Committee). <i>Note: The conservation covenant is actively managed by NCC does not permit access by public or owners, except for legitimate educational, research or monitoring purposes.</i>
Conservation/ Park Dedication at the time of Subdivision	s. 219 covenant specifies - park dedication OR - fee simple transfer to Islands Trust at time of subdivision. <i>Note: degree of public access to dedicated land would have been determined by park land holder (CRD or Islands Trust) through a management plan</i>	- Wildlife tree protection covenant - Raptor nest protection covenant - Cash in lieu of 5% Park Dedication (with a minimum of \$1.5 million) to be provided at time of subdivision for purchase of future parkland in NPILTA. <i>Note: degree of public access to dedicated land would have been determined by park land holder through a management plan*</i>

	<u>RURAL LAND USE BYLAW</u>	<u>CURRENT ZONING</u>
Public Access		
Public Access	Shoreline access -- to high water mark Upland access – - SRW for public foot path OR - fee simple transfer of public foot path to the Islands Trust OR - dedication of path as park - (one of the above to occur concurrent with registration of subdivision)	Shoreline access -- to high water mark Upland access – - for legitimate educational, monitoring and research purposes by SRW granted to the LTC and NCC at time of rezoning.
Length of public access footpath	3467 m (with two m width = 0.7ha in total area)	n/a



Procedure:	
Approved By:	
Approval Date:	
Amendment Date(s):	
Policy Holder:	[Position Title]

JAMES ISLAND EDUCATIONAL AND RESEARCH ACCESS REVIEW PROCEDURE

Purpose

This procedure provides guidance to staff in assessing applications by educational institutions, researchers or educators seeking access to James Island covenant areas for educational and research purposes.

As a condition of the Local Trust Committee's approval of rezoning NP-RZ-2005.1, the Owner (JI Properties) granted a conservation covenant to the Nature Conservancy of Canada (NCC) and the Local Trust Committee (LTC), protecting several significant natural areas on James Island and also granted to NCC and the LTC a statutory right-of-way providing NCC or the LTC with the sole discretion to approve reasonable access to the island, upon application, by researchers and primary, secondary, post-secondary and other students for *bona fide* education and research relating to wildlife and habitat, primarily within the covenant areas. NCC and the Islands Trust have established an understanding that requests for access involving research or work directly related to NCC's management of the Conservation Covenants will be considered by NCC, and that requests for access under the terms of the Statutory Right-of-way for access for educational and research purposes will be considered by Islands Trust.

In order to consider requests in a timely manner, the LTC has delegated to staff the review and approval of requests to access James Island for educational and research purposes.

Scope

This procedure is applicable to staff review of requests to access James Island covenant areas pursuant to Statutory Right-of-way FB180724.

A. Definitions

"Access Invitee" means any person determined by the NCC or by the Local Trust Committee in the exercise of their respective Sole Discretion, to require and merit access to all or any of the Conservation Areas for Educational and Research Purposes;

"Conservation Areas" means those portions of the Lands defined and established as "Conservation Areas" pursuant to the Environmental Conservation Covenant;

"Educational and Research Purposes" means the purposes of reasonable and *bona fide* education and research relating to wildlife and habitat located upon the Lands and within the Conservation Areas by researchers and primary, secondary post-secondary and other students, based upon applications to the NCC and to the Local Trust Committee for access across the Lands;

“Environmental Conservation Covenant” means that Section 219 Covenant and Section 218 Statutory Right-of-Way granted by the Owner in favour of the NCC and the Local Trust Committee and registered at the Victoria Land Title Office under numbers FB180722 and FB180723;

“Sole Discretion” means, with respect to any party to the Statutory Right-of-Way, the sole, absolute and unfettered discretion of such party; and

“Statutory Right-of-Way” means that statutory right-of-way granted by the Owner to the NCC and to the Local Trust Committee and registered at the Victoria Land Title Office under numbers FB180724.

B. Procedures

1. Application criteria shall be posted and maintained in an appropriate location on the Islands Trust website.
2. Receipt of Requests
 - i. Applications should be submitted by email to the northpenderplanner@islandtrust.bc.ca email and provide sufficient information to allow for an assessment of the proposed visit.
 - ii. Email requests should be acknowledged and filed on the LAN
 - iii. All requests should also be forwarded to NCC at bcoffice@natureconservancy.ca requesting that they respond within 10 business days if NCC has any comments on the access request.
3. Review
 - i. Applications for access should be reviewed by the Island Planner, Regional Planning Manager, or the Director of Local Planning Services.
 - ii. Reviewers should ensure they are familiar the terms of the Statutory Right-of-way and the Environmental Conservation Covenant.
 - iii. Applications should be reviewed and responded to within 10 business days of receipt of a request.
4. Criteria

Approval of applications for access shall be consistent with the following criteria:

- i. the proposed means and timing of access to the island and to the Conservation Areas is reasonable;
- ii. the size of the party is not excessive;
- iii. the educational or research institution is *bone fide* or the researcher has relevant credentials and qualifications; and
- iv. the proposed education or research is related to wildlife and habitat;

The total number of Access Invitees approved should be limited to a reasonable number of visits within any given period. Applicants may be advised to revise their proposal for

consistency with the provisions of the Statutory Right-of-way or conditions may be established by the approver.

5. Notification

- i. Any applicant shall be notified by email as to whether or not their request is considered consistent with the terms of the Statutory Right-of-way.
- ii. Notification shall be provided to the Owner within the time limits and by the means specified in the Statutory Right-of-way, or by other means agreed to by the Owner.
- iii. Nature Conservancy of Canada shall be copied on any response to an application by email to bcoffice@natureconservancy.ca. Where NCC requests that NCC staff accompany any visit to a conservation covenant area that should be made a condition of any approval.

6. Follow-up

- i. All email correspondence and other records shall be filed on the LAN
- ii. If a report or other documentation of the visit is being prepared, a copy should be received, distributed and filed.

C. Legislated References

none

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

Statutory Right-of-way

Environmental Conservation Covenant

Maps

ADMINISTRATIVE AGREEMENT
On
ADMINISTRATION OF EDUCATIONAL AND RESEARCH ACCESS TO JAMES ISLAND

Between:

The Nature Conservancy of Canada
200-825 Broughton Street
Victoria, BC V8W 1E5

("NCC")

And:

Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

("Islands Trust")

1. Purpose

- 1.1 NCC and the North Pender Island Local Trust Committee are party to Statutory Right of Way FB180724, registered on title to James Island, which is attached hereto as Schedule A, (the "SROW").
- 1.2 The SROW provides access to James Island for the respective officers, employees, contractors and access invitees of Islands Trust and NCC. More particularly, the SROW provides NCC and Islands Trust with the sole discretion to approve reasonable access to the island, upon application, by researchers and primary, secondary, post-secondary and other students for *bona fide* education and research relating to wildlife and habitat, primarily within the covenant areas.
- 1.3 Islands Trust has an interest in facilitating access to James Island for educational purposes, but NCC does not have the staff capacity nor mandate to do so.
- 1.4 NCC benefits from research about wildlife and habitat, particularly about species-at-risk, that takes place on James Island, as it informs NCC's ecosystem restoration activities.
- 1.5 NCC and Islands Trust wish to clarify, define, and distinguish their responsibilities under the SROW with respect to educational and research access requests.

2. Administrative Responsibilities

2.1 Access for Educational Purposes

- 2.1.1 For the purposes of this agreement, educational access will include access for school groups, or other groups from the general public who fit the criteria for Access Invitees as defined in the SROW. Access will be considered educational in nature when a group

wishes to access James Island for the general purpose of learning about the species and ecosystems found there.

- 2.1.2 Islands Trust will be responsible for granting access under the SROW to those parties who in the opinion of Islands Trust qualify as Access Invitees and who request access to James Island for educational purposes pursuant to the SROW.
- 2.1.3 Islands Trust will be responsible for providing publically accessible information as to a methodology for applying for access to James Island as described in section 2.1(a) of the SROW, and all applications under such methodology will be sent to and administered by Islands Trust.
- 2.1.4 If NCC receives an application under the process described in 2.2 below that NCC deems to be for educational purposes, NCC may forward that application to Islands Trust for administration.
- 2.1.5 When Islands Trust receives an application for educational access to James Island, it will notify NCC, and give NCC an opportunity to express any concerns about the approved access and its impact to conservation values. If NCC does not respond to Islands Trust within a reasonable period of time as determined by Islands Trust, then Islands Trust may deem that NCC has declined to comment.

2.2 Access for Research Purposes

- 2.2.1 For the purposes of this agreement, research access will be considered access to collect data as part of a research project or experiment in which a student or scientist has a working hypothesis or an identified data gap, and in which the findings or data from such access will be documented or published and shared with NCC.
- 2.2.2 NCC will be responsible for granting access under the SROW to those parties who in NCC's opinion qualify as Access Invitees, and request access to James Island for research purposes pursuant to the SROW.
- 2.2.3 If Islands Trust receives an application under the process described in 2.1 above that Islands Trust deems to be for research purposes, Islands Trust may forward that application to NCC for administration.

3. SROW unaffected by this Agreement

- 3.1 Nothing in this agreement will affect the meaning of the SROW, nor change any of the processes prescribed or required in the SROW.

Signed this 24 day of January, 2018.

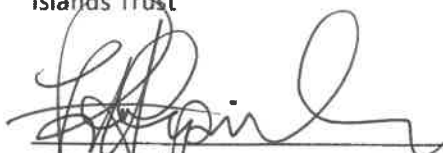
The Nature Conservancy of Canada



Linda Hannah, BC Regional Vice President

Signed this 26 day of January, 2018.

Islands Trust



Authorized Signatory

Russ Holsenpiller, CAO

Schedule A – SROW

Top Priorities Report

North Pender Island

1. Land Use Planning for Waste Transfer

Responsible

Dates

Develop policies and regulations for waste management siting

Robert Kojima

2. Climate Change Adaptation, Mitigation and Resilience

Responsible

Dates

Phase 1: Groundwater Sustainability Project (2019-2020)

William Shulba

Rec'd: 29-Nov-2018

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

Target: 31-Mar-2020

3. Landowner Education

Responsible

Dates

Develop landowner education and contact material for circulation and a letter to landowners with DPA

Rec'd: 28-Feb-2019

Target: 30-Jun-2019



1. Climate Change Adaptation and Community Resilience

Date Received

22-Jan-2009

Date Received

22-Jan-2009

Date Received

28-Jul-2011

Date Received

22-Feb-2012



Projects Report

North Pender Island

5. <i>Land Use Bylaw Amendments/OCP Implementation</i>	Responsible	Date Received
·review of industrial zoning ·tourist commercial zoning review ·home industry regulation ·review of commercial (C1) zoning ·incorporate TUP's into zoning ·landscape screening review ·review of marine zoning regulations in conjunction with overall shoreline development review ·amendments to permit renewable energy ·review of floor area calculations, applicable for cottages in support of alternative, energy efficient building designs, and review maximum floor area restriction ·height exemptions for agricultural or forestry buildings ·max floor area for principal dwellings ·Agricultural policies, including an Area Farm Plan. ·Regulations to address roadside sign placement. ·Road standards in subdivision servicing regulations		22-Mar-2012
6. <i>Shoreline Project Implementation</i>	Responsible	Date Received
Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones		
7. <i>Conservation Subdivisions</i>	Responsible	Date Received

Projects Report

North Pender Island

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

8. *Freshwater sustainability*

Responsible

Date Received

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

29-Oct-2015

9. *Coastal Douglas Fir Ecosystem*

Responsible

Date Received

Consider implementation of toolkit

01-Feb-2019



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.11	McCutcheon, Ross	12-Dec-2018	DP for work in geo-technical area

Planner: Phil Testemale

Planning Status

Status Date: 12-Jul-2019

Site visit conducted. Application on September 5, 2019 LTC for consideration.

Status Date: 27-Jun-2019

Geotechnical report amendment rec'd. Site visit as part of Associated Islands visit. September 5, 2019 for consideration.

Status Date: 28-Mar-2019

Contact with applicant - will be having geotechnical report amended

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.

Rezoning

File Number	Applicant Name	Date Received	Purpose
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Applications

NP-RZ-2018.3 TIM HALL PENDER 05-Jul-2018 Application for rezoning of portion of Danny Martin Park from 'Community Service' to 'Community Park'

ISLAND PARKS &
RECREATION
COMMISSION
Planner: Phil Testemale

Planning Status

Status Date: 22-May-2019

Staff have contacted CRD. Parks Plan review to be initiated with unspecified timeline.

Status Date: 16-Apr-2019

Biologist's report rec'd on Danny Martin Creek. Staff will contact CRD to advance planning process for parks plan.

Status Date: 20-Feb-2019

Awaiting further direction for file in consultation with applicants and CRD.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2019.2	Michael, Sketch	14-Jun-2019	Application to permit shipping containers

Planner: Phil Testemale

Planning Status

Status Date: 27-Jun-2019

September 5, 2019 agenda for preliminary report

Status Date: 25-Jun-2019

PTA gave file to Planner

Status Date: 20-Jun-2019

PTA created file, received fees, notified LTC

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: Robert Kojima

Planning Status

Applications

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

Status Date: 29-Aug-2018

Updated PLA received from MOTI

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-2017.1	DAVID G RICHARDSON EDNA M HEMSWORTH	16-Mar-2017	3210 ARMADALE RD - proposed subdivision to create 2 residential parcels
Planner: Phil Testemale			

Planning Status

Status Date: 22-May-2019

Applicant having final survey plan drafted.

Status Date: 03-Jan-2019

Proof of Potable Water and Sewer requirements met. Awaiting survey plan before issuing final letter to MoTI

Applications

Status Date: 19-Nov-2018

PLA extension approved. Waiting for Hydrogeologist report for proof of water.

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

Planner: Phil Testemale

Planning Status

Status Date: 27-Jun-2019

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

Status Date: 20-Feb-2019

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

Status Date: 19-Nov-2018

Water requirement and licencing of existing well being pursued by applicants and Driftwood. Hydrologist to be retained by applicant.

Temporary and Industrial Use Permit

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

Planner: Phil Testemale

Planning Status

Status Date: 17-Jul-2019

Staff report on July 25, 2019 LTC agenda. Update and request assurance letter from engineer prior to management plans being implemented.

Status Date: 21-Jun-2019

Applicant has retained Islander Engineering Ltd. Initial Proposal submitted. Sr. Freshwater Specialist to liaise to finalize Terms of Reference. Target July 15.

Applications

Status Date: 22-May-2019

Applicant responded that in process of meeting request for management plans. June 1 deadline.

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2019.1	Lori Vermeeren	30-Jan-2019	Short term vacation rental.

Planner: Phil Testemale

Planning Status

Status Date: 17-Jul-2019

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

Status Date: 27-Jun-2019

Referral letter sent to MLSWC (CRD). Possible consideration for July 25, 2019 agenda

Status Date: 25-Apr-2019

Application tabled by LTC pending information on CRD Sewer upgrade.

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

Planner: Phil Testemale

Planning Status

Status Date: 17-Jul-2019

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

Status Date: 27-Jun-2019

Referral letter sent to MLSWC (CRD). Possible consideration for July 25, 2019 agenda

Status Date: 25-Apr-2019

LTC postpones consideration pending resolution of Magic Lake sewer issues

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2019.3	Jenice Sze Chung Yu	13-May-2019	Short term vacation rental

Planner: Phil Testemale

Planning Status

Status Date: 17-Jul-2019

Response rec'd CRD. Notification for consideration at September 5, 2019

Applications

Status Date: 27-Jun-2019

Referral letter sent to MLSWC (CRD). Possible consideration for July 25, 2019 agenda

Status Date: 06-Jun-2019

PTA received the fees and full application, created file, given to RPM to assign Planner

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

650 North Pender	Invoices posted to Month ending May 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	992.00	0.00	992.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	3,855.00	538.25	3,316.75
65210-650	LTC - Local Exp - APC Meeting Expenses	493.00	60.00	433.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>4,892.00</u>	<u>598.25</u>	<u>4,293.75</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	0.00	2,000.00
TOTAL Project Expenses		<u>5,000.00</u>	<u>0.00</u>	<u>5,000.00</u>

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2005	NP-LTC-05-05	Advisory Planning Commission Appointments	The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations
2.	May 25, 2006	NP-LTC-80-06	Communications Policy	Policy Number NP-LTC-01-06 (Communications Policy) establishes guidance for the preparation and dissemination of routine non-statutory notices, extraordinary notices and trustee newsletters.
3.	August 30, 2007	NP-LTC-146-07	Special Occasion License Policy	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
4.	April 28, 2011	NP-LTC-50-11	Adopting In Camera Minutes	It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.
5.	September 10, 2015	NP-LTC-63-15	Enforcement Policy - storage and disposal of waste and vehicles	THAT North Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.

6.	September 6, 2018	NP-LTC-2018-70	Processing of non-medical cannabis retail license applications	- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - Name of the applicant and a description of the proposal in general terms - The location of the proposed establishment and the subject site - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - How public comments may be submitted to the local trust committee.
7.	February 28, 2019	NP-2019-030	APC appointments	Prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners
8.	May 30, 2019	NP-2019-061	STVR TUPs	That staff refer STVR TUPs in Magic Lake [sewer area] to the Magic Lake Sewer and Water Committee to confirm infrastructure capacity

9.	July 4, 2019	NP-2019-xx	First Nations Reconciliation	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.
10.	July 4, 2019	NP-2019-xxx	Antenna Strategy	THAT the NPILTC adopt the "Model Strategy for Antenna Systems" as the tool for review and consideration of proposals.