



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: April 26, 2018
Time: 10:00 am
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

	Pages
1. CALL TO ORDER	10:00 AM - 10:20 AM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	10:20 AM - 10:30 AM
6.1 Local Trust Committee Minutes Dated February 22, 2018 (for Adoption)	4 - 10
6.2 Section 26 Resolutions-without-meeting Report	
none	
6.3 Advisory Planning Commission Minutes Dated February 26, 2018 (for Receipt)	11 - 14
7. BUSINESS ARISING FROM THE MINUTES	
7.1 Follow-up Action List Dated April 2018	15 - 16
8. DELEGATIONS	
none	
9. CORRESPONDENCE	
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	

9.1	CRD Regional Parks - March 15 2018 Letter re: Gulf Island Regional Trails Plan (attached)	17 - 17
10.	APPLICATIONS AND REFERRALS	10:30 AM - 11:00 AM
10.1	NP-TUP-2017.2 (Wilmott) - Staff Report (attached)	18 - 57
10.2	NP-TUP-2018.1 (Pettyfer) - Staff Report (attached)	58 - 78
10.3	Galiano Island Local Trust Committee Bylaws No. 265 & 266 Referral (attached) for response	79 - 81
10.4	NP-DP-2018.1 (Driscoll) - Staff Report (attached)	82 - 124
11.	LOCAL TRUST COMMITTEE PROJECTS	11:00 AM - 11:30 AM
11.1	Waste Management - Staff Report (attached) North Pender Island Local Trust Committee Bylaws 214 & 215 (for further consideration)	125 - 150
11.2	Secondary Suites - Staff Report (attached) North Pender Island Local Trust Committee Bylaws 216 & 217 (for further consideration)	151 - 163
12.	REPORTS	11:30 AM - 12:00 PM
12.1	Work Program Report (attached)	
12.1.1	<u>Top Priorities Report Dated April 2018</u>	164 - 164
12.1.2	<u>Projects List Report Dated April 2018</u>	165 - 167
12.2	Applications Report Dated April 2018 (attached)	168 - 175
12.3	Trustee and Local Expense Report Dated February 2018 (attached)	176 - 176
12.4	Adopted Policies and Standing Resolutions (attached)	177 - 177
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Report	
12.8	Trust Fund Board Report Dated April 2018 (attached)	178 - 179

- 13. NEW BUSINESS**
- 13.1 Briefing - Land-use Planning Implications of Fisheries and Oceans Canada (attached)** 180 - 202
Intergraded Geoduck Management Framework March 2018
- 13.2 Memo from EC re: Approval Process for Community Water Systems on Salt Spring Island - Memo & Attachment (attached)** 203 - 232
 for information
- 14. UPCOMING MEETINGS**
- 14.1 Next Regular Meeting Scheduled for May 24, 2018, 4:00 PM, at the Royal Canadian Legion Hall, Pender Island**
- 15. TOWN HALL** 12:00 PM - 12:15 PM
- 16. CLOSED MEETING (Distributed Under Separate Cover)** 12:15 PM - 12:30 PM
- 16.1 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 January 30, 2018*
 - *Appointment of APC Members*
- AND that the recorder and staff attend the meeting.*
- 16.2 Recall to Order**
- 16.3 Rise and Report**
- 17. ADJOURNMENT** 12:30 PM - 12:30 PM



DRAFT

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: February 22, 2018
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

Members Present: George Grams, Chair
Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

Staff Present: Justine Starke, Island Planner
Fiona XETXÁTTEN MacRaid, Senior Intergovernmental Policy Advisor
Shannon Brayford, Recorder

Public Present:: There were 17 members of the public present.

1. CALL TO ORDER

Chair Grams called the meeting to order at 10:05 a.m. He acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Kathy Allison spoke in regards to the short term vacation rental (STVR) application on Harpoon Road. She provided an overview of the nature of the street and the history of short term rentals in the neighbourhood. She outlined concerns with the application and noted that the complaint driven enforcement process places a burden on neighbours to regulate the STVR.

Jerry Boucher commented on the short term vacation rental (STVR) application on Harpoon Road. He remarked that a 16 resident STVR is a commercial venture and is not consistent with the residential character of the neighbourhood.

David Reed asked about the Capital Regional District's (CRD) position on secondary suites, specifically as regards water and sewer use in the Magic Lake area.

Planner Starke provided an overview of the referral process and noted that the Local Trust Committee (LTC) is anticipating a letter from the Magic Lake Water and Sewer Commission in regards to the proposed bylaws.

Michael Sketch spoke to the rezoning of Browning Harbour Agricultural Land Reserve (ALR) land. He addressed matters of boat storage, reported removal of top soil from the ALR land,

questioned Trustee Masselink's dual role as Trustee and Regional Agrologist, and requested that an audit of staff process on the matter be held.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated January 30, 2018 (for Adoption)

By general consent the Local Trust Committee Meeting Minutes of January 30, 2018 were adopted as presented.

6.2 Section 26 Resolutions-without-meeting Report

none

6.3 Advisory Planning Commission Minutes Dated June 27 & October 25, 2017 (for Receipt)

Received for information.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated February 2018

Planner Starke provided a report on the progress of the Waste Management Project.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

10.1 NP-RZ-2016.2 (Port Browning/MBMG) - Staff Report (Bylaws 206 - 210)

Planner Starke provided an overview of the staff report, including details of the two covenants being considered. She noted that the covenants implement LTC conditions of final bylaw adoption.

NP-2018-019

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee accept two (2) covenants under section 219 of the *Land Title Act* from the registered owners of LOT A (DD G54184), Section 11, Pender Island, Cowichan District, Plan 7982 and Lot 4, Section 11, Pender Island, Cowichan District Plan 7982 and designate any member of the Local Trust Committee to sign the two (2) covenants for NP-RZ-2016.2 (4605 and 4606 Oak Road).

CARRIED

NP-2018-020

It was MOVED and SECONDED,

That upon confirmation of registration of the two (2) covenants with the Land Title Office, the North Pender Island Local Trust Committee direct staff to conduct a vote by Resolution Without Meeting to adopt North Pender Island Local Trust Committee Bylaw No. 206.

CARRIED

10.2 NP-TUP-2017.5 (Kroeker) - Staff Report

Planner Starke provided an overview of the staff report and the rationale for the application. She also provided an outline of the letters received from neighbouring residents.

A discussion of neighbour concerns and potential amendments to the permit was held by the LTC.

The following amendments were recommended:

- That the number of permitted guests be limited to 10.
- That the fire pit be removed

The applicant was invited to address the LTC. He provided a history of the property's use and outlined the management systems. He requested clarification on how the STVR regulations will impact family use of the home.

Further discussion of the application and the proposed amendments was held.

NP-2018-021

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee amend temporary use permit NP-TUP-2017.5 by:

Limiting the number of guests to ten (10)

Removing the fire pit.

CARRIED

NP-2018-022

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee issue Temporary Use Permit NP-TUP-2017.5 as amended.

CARRIED

10.3 NP-SUB-2017.1 (Richardson/Hemsworth) - 10% Frontage Exemption - Staff Report

Planner Starke provided an overview of the report and the rationale for the application.

NP-2018-023

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee exempt proposed Lot Rem. 13 Section 22, Pender Island, Cowichan District, Plan 4105 of subdivision NP-SUB-2017.1 (Richardson and Hemsworth) from the 1/10 perimeter provision of Section 512 of the *Local Government Act* and subsection 4.3.1 of North Pender Island Land Use Bylaw No. 103, 1996.

CARRIED

10.4 NP-DVP-2017.4 (Johnson) - Staff Report

Planner Starke provided an overview of the staff report and the response received from the CRD, which noted an inability to evaluate the structure until a building permit is issued.

Trustee Masselink expressed, for the record, frustration with fragmented governance structure and the inability for the CRD to provide the requested inspection.

The applicant was invited to speak and he addressed the concerns of the neighbours.

NP-2018-024

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2017.4 (G. Johnson) .

CARRIED

10.5 Mayne Island Local Trust Committee Bylaw No. 171 Referral

Planner Starke provided an overview of the referral.

NP-2018-025

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee respond to Mayne Island Local Trust Committee Bylaw No. 171 with "Interests Unaffected".

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 First Nations Interests - Staff Report & Project Charter/Presentation

Senior Intergovernmental Policy Advisor (SIPA) Fiona XETXÁTTEN MacRaid provided an overview of the Staff Report and outlined the workshop being proposed within it.

A discussion of James Island was held and SIPA MacRaid offered to provide a key messages report to the Trustees on that matter.

NP-2018-026

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee request staff to proceed with planning a First Nations-focused community workshop as outlined in the attached Project Charter, in coordination with Tsawout First Nation.

CARRIED

NP-2018-027

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee request that staff provide information and key messages on the James Island situation.

CARRIED

12. REPORTS

12.1 Work Program Report

12.1.1 Top Priorities Report Dated February 2018

Received for Information

12.1.2 Projects List Report Dated February 2018

Received for information.

12.2 Applications Report Dated February 2018

Trustee Masselink requested information on the application that had been made to place a cell tower on North Pender Island.

Planner Starke reported that no further communication has been received from the applicant.

12.3 Trustee and Local Expense Report Dated December 2017

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information

12.5 Local Trust Committee Webpage

No comments made.

12.6 Chair's Report

Chair Grams reported that Executive Committee has been involved in preparations for Trust Council and also in preparation for the Islands Trust delegation sent to the Agricultural Land Reserve (ALR)/Agricultural Land Commission (ALC) Revitalization session.

12.7 Trustee Report

Trustee Masselink reported that the Minister of Agriculture has struck a committee to examine revitalization of the ALC and ALR. He provided an overview of the sessions held.

Trustee Masselink also reported that under the new budget, the Ministry of Agriculture will receive increased funding.

Trustee Barber read a statement, indicating that she would like to make a motion regarding waste management activities and other permitted uses on land at Browning Harbour.

A discussion of the proposed motion was held.

Chair Grams recommended that the matter be brought forward at the next meeting to provide adequate time for deliberation.

Planner Starke provided an overview of the current progress on bylaws related to the topic of the motion.

Trustee Barber indicated that she will make the motion at the next meeting.

12.8 Trust Fund Board Report Dated January 2018

Received for information.

13. NEW BUSINESS

13.1 Executive Committee re: Farm Industry Review Board & Aquaculture - Staff Memo & Attachment

Received for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for March 22, 2018, at the Royal Canadian Legion Hall, Pender Island

Chair Grams noted that an Islands Trust Fresh Water Forum is being held the same day and that the meeting could be cancelled.

NP-2018-028

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee cancel the meeting of March 22, 2018 and request that staff attempt to reschedule the meeting for the first half of April, 2018.

CARRIED

15. TOWN HALL

Sharon Card spoke to the Waste Management project, encouraging the LTC to learn what the island needs in terms of waste management. She addressed the application to have MacDonald Farm zoned for that use and provided an overview of concerns with that application.

Neville Agison noted that there is a rumour on the island that the CRD is pressuring the Islands Trust to establish a tax-funded Waste Management solution on the island.

The LTC confirmed that the CRD has not approached this committee regarding any such matter.

Michael Sketch provided history of the CRD's involvement in the waste management project and noted that in meetings of the Waste and Resource Management Commission the CRD did not indicate plans to establish a tax-funded facility.

Michael Sketch spoke to delays in the Waste Management project, noting consequences for Bylaw enforcement and encouraging the LTC to complete the matter during this election term.

Michael Sketch addressed NP-DVP-2017.4 (Johnson), recommending that the LTC should have requested a structural engineering report prior to approving the application.

Michael Sketch encouraged the LTC to work with the ALC and establish a Land Use Bylaw corresponding to Trust Policy.

16. CLOSED MEETING

None.

17. ADJOURNMENT

By general consent the meeting was adjourned at 12:08 pm.

George Grams, Chair

Certified Correct:

Shannon Brayford



DRAFT

**North Pender Island
Advisory Planning Committee
Minutes of Regular Meeting**



Date: February 26, 2018
Location: Pender Island Community Hall
8961 Gowlland Point Road, South Pender Island, BC

Members Present: Michael Symons, Chair
Dorothy Murdoch
Barbara Johnstone Grimmer
Benjamin McConchie
Ron Underhill

Staff Present: Shannon Brayford, Recorder

Others Present: Trustee Dianne Barber

Members Absent: Garnet Coburn (regrets)

Members of the Public: One



1. CALL TO ORDER

Chair Symons called the meeting to order at 10:01 a.m.

2. APPROVAL OF THE AGENDA

By general consent the agenda was approved as presented.

3. MINUTES OF OCTOBER 25, 2017 FOR ADOPTION

By general consent the minutes of October 25, 2017 were adopted as presented.

4. PUBLIC COMMENTS

None

**5. NORTH PENDER ISLAND LOCAL TRUST COMMITTEE REFERRAL BYLAWS NO. 216 & 217
(SECONDARY SUITES)**

Note: Barbara Johnstone Grimmer arrived at 10:06 a.m.

Chair Symons invited members of the Commission to share their thoughts on the referral in turn. The following individual opinions were shared:

- Secondary suites could improve access to housing for workers on the island.
- Secondary suites could expand housing options for seniors who may want to rent a suite to someone who can help provide care to them or their home.
- Parking stipulations could unreasonably limit peoples abilities to install the suites.
- That secondary suites are not projected to improve the matter significantly and their size limitation does not create suitable housing for families.
- Secondary suites could inflate the cost of rentals and further reduce the affordability of housing.
- Concern that staff opinions are given too strongly and recommendation that staff reports contain facts rather than opinions.
- The lack of affordable housing is not being addressed and while secondary suites may provide some housing, they are not a complete solution.
- Does not address currently existing suites that are not meeting the building code.
- These properties that are drawing revenue that is currently not being reflected by BC Assessments and property taxes.
- The report notes the importance of maintaining the rural character, but there is not any portion of the policy that will ensure this.
- A density limit should be considered.
- Support that this will improve access to housing, but that it will not address all issues such as affordability, improving the wages in the community, and the issues of undesirable tenants.
- It is in line with what the Agricultural Land Commission allows.
- Concern that this is an increase in density on an already densely populated island for whom the infrastructure is not keeping up with the current density.
- Objection that the staff report is advocating for a project instead of providing objective advice.
- Concern that there is not a needs assessment or impact analysis included in this project.
- The prohibition of these suites being used as Short Term Vacation Rentals should be strengthened and, with the current language, could be circumvented.
- Recommendation that if these are being considered for seniors to stay in home then the suites could be limited to care givers or immediate family.
- The secondary suites are 50% bigger than the cottages that are currently allowable. These two values should be consistent.
- Collection of improved data on the housing market and residency on island is important and would have been valuable in evaluating this project.

The following recommendations were put forward for consideration:

- That secondary suites should be explicitly prohibited from being used as a Short Term Vacation Rentals.
- That the size limitations for secondary suites and those for cottages should be made consistent.
- That building inspection through the Capital Regional District should be required of the suites currently in existence.

NP-APC-2018-001

It was moved by Dorothy Murdoch, seconded by Ron Underhill,

That the Advisory Planning Commission recommend that the bylaw amendment require that all existing secondary suites would have to apply for a building permit to ensure compliance with the building code.

CARRIED

NP-APC-2018-002

It was moved by Michael Symons, seconded by Ron Underhill,

That the Advisory Planning Commission recommend that the bylaw amendment state that the use of secondary suites as short term vacation rentals be prohibited.

CARRIED

Note: One member of the public arrived at 10:52 a.m.

NP-APC-2018-003

It was moved by Ben McConchie, seconded by Michael Symons,

That the Advisory Planning Commission encourage the Local Trust Committee to further study the impact that policies which increase density can have on resources and infrastructure.

CARRIED

One dissenting, Dorothy Murdoch

6. ADJOURNMENT

By general consent the meeting was adjourned at 11:02 a.m.

Michael Symons, Chair

Certified Correct:

Shannon Brayford, Recorder

Follow Up Action Report

North Pender Island

21-Sep-2017

Activity	Responsibility	Target Date	Status
Waste Management - Request Trust Council to amend DAI bylaw.	Sharon Lloyd-deRosario Justine Starke	14-Feb-2018	On Going

26-Oct-2017

Activity	Responsibility	Target Date	Status
NP-RZ-2016.1 (mainroad) - CIM and Public Hearing held. LTC deferred 3rd reading and directed staff to return with bylaw amendments: 1) reconfigure zone boundary to align with topography. 2) remove gravel crushing from permitted uses. Also, LTC wants assurance fire dept. concerns have been addressed. A new Public Hearing will be required.	Sharon Lloyd-deRosario Phil Testemale	10-Jan-2018	On Going

30-Jan-2018

Activity	Responsibility	Target Date	Status
Bylaws 214/215 - Waste Management. First Reading Rescinded. Bylaws amended. First Reading given. - Done Bylaws to be re-referred to select agencies. Staff to conduct land use analysis of impacts of changing zone boundaries. Staff to inquire on cost and timing of archaeological work.	Sharon Lloyd-deRosario Justine Starke	14-Feb-2018	Done

Follow Up Action Report

22-Feb-2018

Activity	Responsibility	Target Date	Status
NP-RZ-2016.2 - Port Browning - Covenants approved.	Sharon Lloyd-deRosario Justine Starke Phil Testemale	14-Mar-2018	On Going
NP-TUP-2017.5 (Kroeker) - permit amended and approved for issuances. Amendments include: - guests be limited to 10 - fire pit be removed.	Sharon Lloyd-deRosario Jason Youmans	14-Mar-2018	Done
NP-SUB-2017.1 (Richardson/Hemsworth) - 10% wiaver granted.	Phil Testemale	14-Mar-2018	Done
NP-DVP-2017.4 (Johnson) - Permit issued	Phil Testemale	14-Mar-2018	Done
Mayne Island Bylaw 171 - Interests unaffected.	Sharon Lloyd-deRosario	14-Mar-2018	Done
First Nations workshop - Project Charter endorsed for implementation.	Justine Starke Fiona MacRaid	14-Mar-2018	On Going



Making a difference...together

Regional Parks

490 Atkins Avenue
Victoria, BC, Canada V9B 2Z8

T: 250.478.3344

F: 250.478.5416

www.crd.bc.ca/parks

March 15, 2018

File No: 6130.30
Gulf Islands Regional Trails Plan

To various government agencies:
(sent by email)

RE: CAPITAL REGIONAL DISTRICT – GULF ISLANDS REGIONAL TRAILS PLAN

Over the past year, the Capital Regional District (CRD) has been developing a plan for regional trails on the Gulf Islands (Galiano, Mayne, North Pender, South Pender, Salt Spring and Saturna Islands).

The planning process included engagement to gather initial input from the public, First Nations and government agencies in early 2017 before drafting the plan, a second round of engagement between August-September 2017 on the draft regional trails plan, and finalizing the plan over the fall-winter 2017-2018, following consideration of all comments received. On March 14, 2018, the CRD Board approved the Gulf Islands Regional Trails Plan.

The plan envisions the development of approximately 50 km of new trails on the six islands that will connect ferry terminals with key island destinations. Cooperation with partners will be key to the successful implementation of the plan, which is anticipated to occur over a number of years. The Gulf Islands Regional Trails Plan is available through the CRD website at:
<https://www.crd.bc.ca/project/gulf-islands-regional-trails-plan>

The CRD would like to thank all participants in the planning process and look forward to working with you on future regional park projects.

Sincerely,

Brett Hudson
Acting Senior Manager

cc: Karla Campbell, Salt Spring Island, CRD (email)
June Klassen, Southern Gulf Islands Electoral Area, CRD (email)
John Hicks, Planning & Protective Services, CRD (email)
Carolyn Stewart, Regional Parks, CRD (email)

CS:amm



File No.: NP-TUP-2017.2 (Wilmott)
(NP-BE-2012.4)

DATE OF MEETING: April 26, 2018
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, A/Planner 2
Southern Team
COPY: Justine Starke, Island Planner
SUBJECT: Temporary Use Permit
Applicant: Alan, Julie and Allister Wilmot
Location: 5586 Hooson Road

RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee deny issuance of Temporary Use Permit NP-TUP-2017.2.**

REPORT SUMMARY

The purpose of this report is to consider a Temporary Use Permit (TUP) application for a temporary industrial use on a rural property. The permit would facilitate a portable sawmill and firewood splitting operation including accessory retail sale of the products on the property.

The above recommendation is supported as, on balance, the use is not appropriate for the property or the local area and it is contrary to Islands Trust Policy Statement (ITPS) policies as well as objectives and policies in the Official Community Plan. Despite sound abatement and other conditions in the proposed permit, staff believes the potential impacts on the local neighbourhood and the concerns of neighbours outweigh benefits that may be derived by approval. As of the date of writing, staff have received correspondence both opposed and in support of the application.

If the Local Trust Committee opts to issue the permit, the draft permit contains conditions with the objective of mitigating impacts on the local area. In the event the use does continue to be a cause of neighbourhood concern, permit compliance can be enforced or, ultimately, the LTC can reject renewal of the TUP. In addition, the LTC has the option to issue the permit with a reduced valid period.

BACKGROUND

The application is to legalize an ongoing industrial use including a sawmill (portable) and splitting (firewood) operation to bring the property, located on Hooson Road, into compliance with the North Pender Land Use Bylaw No. 103, 1996. The size of the timber milling operation is 117 m³ (50,000 board feet) annually, and

firewood processing is 181 m³ (6400 ft³ or 50 cords) annually. The applicants have proposed to reduce these sizes by more than half (see 'Late Amendments' – below). The use includes accessory retail sales to the public.

The applicant's state that timber is sourced from the property itself and from other properties on the island and is used for both projects on the subject property and sold, and that the mill processes timber in quantities and sizes would be uneconomical to export off-island for processing. Further they believe that they supply a valuable on-island service processing local timber, that they minimize wood waste and create local employment. The proposed 'Temporary Use Area' is located on the property as shown on Figure 2 (below). Currently the use extends further to the southeast occupying a larger area. This is in a lower lying 'valley' on the property that is aligned generally in a southeast to northwest direction (Attachment 2.5). This aspect as well as a knoll formation on the property does afford some natural sound abatement for properties across Hooson Road to the east.

Existing structures on the property include a two storey 278 m² (3000 ft²) barn with an attached carport (32.5 m²/350 ft²), a 20 m² (220 ft²) shed, and two smaller sheds, a pumphouse and numerous water tanks. There is a recently planted 300 tree apple orchard, and an area for a future orchard. There is no residential dwelling on the subject property.

The draft permit has been structured with conditions that largely mirror the home industry provisions of the Land Use Bylaw (LUB) along with other conditions to further mitigate impacts on the local area and for protection of the natural environment (see: 'Policy/Regulatory' - below).

The application is the result of enforcement for an ongoing illegal use that was initiated first in 2012. The timeline of enforcement including Bylaw Warning Notices and Violation Notices and Adjudication are summarized in Attachment 4 and discussed further in 'Issues and Opportunities' (below). This application is intended to bring the property into compliance with the LUB.

The applicants submitted a sound engineers report ("Noise Assessment of Hobby Sawmill at 5586 Hooson Road, Pender Island", Andrew Williamson, P.Eng., September 12, 2017) in support of the application (Attachment 5) This is discussed further in 'Issues and Opportunities' (below).

A comparison of regulations for similar uses in other local government jurisdictions is Attachment 6.

Late Amendments

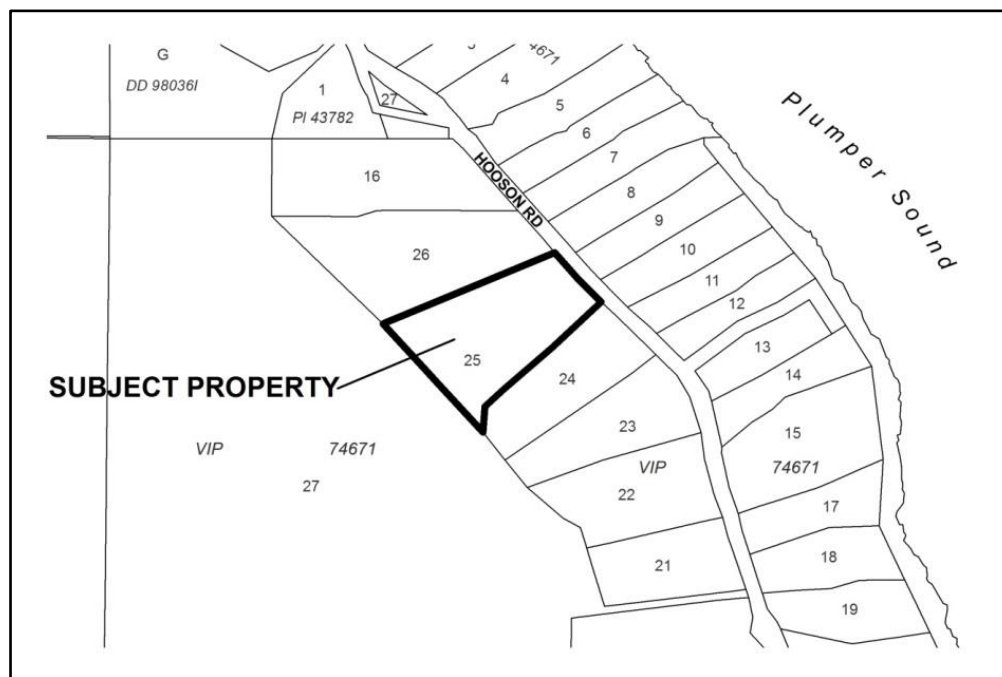
The applicants requested on March 28, 2018 that their application be amended in response to neighbourhood concerns. This was after notification had been circulated, however, as the changes make the proposed permit are more restrictive, new notification is not required. The changes have been made to the draft permit under consideration and are summarized as follows:

- Reduction in the annual volume of timber and firewood to be processed from 117 m³ to 46.8 m³ and from 50 to 20 cords, respectively.
- Additional fire suppression conditions including a minimum of 52,280 litres on-site water storage, sufficient pumps and 3" hose to reach the use, and an industrial fire extinguisher.

Copies of the notice and the amended draft permit NP-TUP-2017.2 are Attachments 7 and 8 respectively.

Staff visited the property most recently on October 5, 2017 (Photos – Attachment 2.7).

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following Islands Trust Policy Statement (ITPS) policies are relevant and support the proposal:

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

5.6.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.

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

Staff is of the opinion that the social impacts of the proposal outweigh benefits; that the use has the potential to adversely impact a heritage designated roadway (Hooson Road); and, that it is not compatible with the protection of the local community character. As such the proposal is contrary to the above-noted ITPS policies.

Figure 2 – Site Plan



Official Community Plan:

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

Guidelines for TUP applications for are contained in the OCP as are objectives and policies for Rural Land Uses; Industrial Land Use; Transportation Services; Conservation Areas, National Parks, Community Recreation and Future Parks; and Heritage Resources. These are analysed in Attachment 3 and discussed further in 'Issues and Policies' below. In summary, the proposal is not supported not numerous OCP Objectives and Policies.

Development Permit Area (DPA) 4 – Wetland is designated on the subject property (see Attachment 2.3).

Conditions of the draft permit require that siltation fencing be installed between the TUP Area and the Wetland DPA to prevent siltation or contaminated runoff from reaching the wetland area.

On neighbouring properties to the northeast (across Hooson Road) there are Raptor Nests designated in **DPA 7 – Raptor and Heron Nests**.

Land Use Bylaw:

The property is zoned as **Rural Comprehensive 1 (RC1)** in the North Pender Island Land Use Bylaw No. 103, 1996 (LUB). Principal uses permitted in the zone are Dwellings, Agriculture and Cottages.

On properties over 2 ha (the subject is 3.27 ha), a *Home Industry* is permitted as an accessory use subject to the provisions of Section 3.6 of the LUB. *Sawmilling of timber and other products* is an allowable home industry use. However, as there is no primary residential use on the property, the home industry use is not permitted. The applicant is aware that if a legal residential use is established on the property and at least one of the employees of the home industry lives on the premises, then there would be no requirement for a TUP. In 2014 the owner applied for a Building Permit for a dwelling, however construction was not initiated and the BP expired after two years.

Notwithstanding the foregoing, the 50 m setback requirement would be difficult to comply with on the subject property which reinforces that the *Home Industry* use is intended to be limited to larger lots.

Agricultural is a permitted use in the **RC1** zone and the applicants have planted an apple orchard, and are planning a second orchard area ('Future Orchard' - Figure 2). However, agricultural use is not part of this TUP application.

Issues and Opportunities

Applicant' Rationale:

The stated rationale from the applicant is that they require the use to supply lumber for development (sound abatement, storage, fencing, etc.) on the subject property including for the mill itself and their orchard. They sell milled lumber and firewood and (in their words) direct the profits toward developing the property. They process lumber from the island in quantity and size that would not otherwise be economical to take off the island by logging truck, and they are able to provide custom milled products locally. Lastly they state they supply a valuable on-island service processing local timber, that they minimize wood waste and create local employment.

Economic Benefit:

As indicated in the preceding, the proposed use does provide a service to the community by processing timber on island and economic benefit in terms of supporting a local business and employment estimated at 20-40 part time days annually. This is consistent with some OCP objectives and policies (see also Attachment 3). Correspondence received (below) from residents both on Hooson Road, and on the Penders in general, indicates strong support for the Wilmott's business and the service that it provides to the community.

Bylaw Enforcement:

As stated above, the enforcement timeline has been summarized and is Attachment 4. Complaints have been received from local neighbours about the ongoing use on the property since 2012. In that period there have been numerous options and agreed paths for compliance offered to the owners, none of which have not fulfilled. In the time period since 2012, the applicants have demonstrated disregard for the land use regulations of the

Islands Trust and for the concerns of local neighbours. Bylaw Enforcement has found that achieving compliance with the applicant has been difficult and unnecessarily protracted.

If the recommendation on page 1 is accepted, the next course of action would be for legal counsel to issue a Demand Letter for compliance and if the use continues Bylaw Enforcement would proceed to request a resolution from the LTC to initiate legal action.

Neighbourhood Context:

All properties surrounding the subject property have the same **RC1** zoning with the exception of the National Park (**National Park – NP**) to the southwest. The area was initially a strata subdivision of 22 properties ('Tyndall Woods') that was rezoned to create the existing 26 fee simple lots and donation of the approximately 38 ha remainder of common property for park (conservation – now National Park – see below). The Rural Comprehensive zone was established through lot averaging resulting in clustering of lot size that are smaller than the typical (4 ha) 10 acre plus Rural zone. The result is what could be described as an 'intermediate' zone between Rural Residential and Rural. Properties on the west side of Hooson Road range in size from 2 to 3.5 ha where those to the east of the road on the water side are much smaller averaging at just over 1 ha. This creates both closer neighbours and a neighbourhood context that is different from that in typical Rural zones.

The local area identifies as having a strong sense of community that is reflected in the geography of a cluster of properties situated at the 'dead end' of a quiet rural road.

Although there is a reasonable expectation in such an area that there would be milling and processing of wood on one's own property for personal use, the on-going industrial use with the lack of a principal residential use, has served to place it at odds with some neighbours. The fact that many of the surrounding properties are not built upon should also be considered in terms of potential future impacts.

Property Size:

To provide information on the suitability of the size of the subject property for the use, staff researched the minimum size of properties in other jurisdictions as well as setback regulations and use regulations. The results are shown on the table (Attachment 6) and generally a minimum size of 4 ha to 8 ha being common and some jurisdictions requiring larger properties. The subject property is 3.27 ha. which is below any minimum. It is noted that sound abatement of the type prescribed in the draft TUP is not factored into any other the setback distances or property minimums assessed. Some of the regulations from this research have been incorporated into the draft TUP.

Alternative Locations:

Staff enquired of the applicant if an alternate location had been researched. They have contacted several people with only one that could be considered. They cite high set up costs and the inability to secure tenure for use on private property as making other alternatives prohibitive.

National Park and Sensitive Ecosystems:

The properties rear, or southwestern, lot line borders a portion of the Gulf Island National Park Reserve. This is locally known as "Loretta's Wood". Sensitive ecosystems identified on that portion include mature forest and herbaceous ecosystems (see Attachment 2.4). The portion is accessible from Hooson Road, however, no formal trails are developed at this time.

Loretta's Wood has high ecological values, featuring four provincially rare or endangered plant communities, one vulnerable plant community, and one Species of Concern as listed by COSEWIC (Committee on the Status of Endangered Wildlife in Canada), the red-legged frog. The property also contains wetland and terrestrial herbaceous ecosystems, both of which have been identified in the joint federal-provincial Sensitive Ecosystem Inventory initiative

Impacts from the proposed use on the park include noise generation and fire hazard. The draft TUP was forwarded to Parks Canada for comment. Parks Canada has not responded at the time of writing

The relevant OCP policy is cited in Attachment 3.

Professional Report/Sound Abatement Structure:

As stated above, the applicants have provided a report by a professional sound engineer ("Noise Assessment of Hobby Sawmill at 5586 Hooson Road, Pender Island", Andrew Williamson, P.Eng., September 12, 2017 – Attachment 5- the 'report'). The purpose of the report was to collect noise measurements from various (6) locations around the perimeter of the property when the sawmill was both cutting and idling. The results summarize combined noise levels (idling and cutting together) and are on page 3 of the report. A baseline level of noise (when sawmill was not operating) was established at 36 dBA. Exceedances ranged from a high of 71 dBA (10 m west of the saw) to no exceedance where the driveway meets Hooson Road. Given the topography of the subject property (the TUP Area is in a valley depression as described above), the noise exposure levels are highest for the National Park to the southwest and the adjacent properties: Lot 26 to the northwest; and, Lot 24 to the southeast.

The report also charted noise results in comparison to the City of Victoria's bylaws (p.5). Finally, it analysed the sound abatement structure designed by the applicant to minimize levels for Lot 26 using the reasoning that the owners of Lot 24 are supportive of the use and that potential human disturbance in the National Park was considered minimal (p.5). The structure is shown on Schedules 'B' and 'C' of the draft permit (Attachment 8) and consists of an open and insulated cantilevered shed and a system of 10 foot high insulated fences and gates that enclose the area. The report assesses the estimated effectiveness of a 5 to 10 dBA reduction in noise at the property line of Lot 26 (p.6).

Although sound abatement will diminish impacts of noise, it cannot completely mitigate it. This is a particular concern for adjacent properties to north and south along the geographical depression and to the southwest in the National Park. Staff is also concerned with the report statement that is dismissive of impacts on the National Park as it would not be a significant 'human disturbance' (p. 5, bullet 3).

Heritage Road:

Hooson road is a designated Heritage Road in the OCP. It is a quiet dead end road with narrow sections and areas that are steep and curving along the older portions north of the Tyndall Woods. In the latter section, the road right of way and paved surface widens to its terminus at the National Park property to the south. The road is commonly used by pedestrians and as access to parts of the National Park. Truck traffic associated with the industrial use, albeit occasional and in limited numbers, has implications for safety, noise, dust and nuisance highlighted by some neighbours. The proposed permit was forwarded to the Ministry of Transportation and Infrastructure for comment and they responded by stating they have no objections to the permit noting a

requirement to obtain a commercial access permit.

The applicants have stated that the traffic would be limited to pickup trucks and vans, along with their F350 Ford one-ton flat deck and occasional dump trucks carrying logs; that dump trucks are licensed to drive on all Pender Island roads, including to other lots in the subdivision on Hooson Rd; and, further they state that the use of Hooson Road has been in effect since they bought our property in 2004 –and that it is not a “new” use.

To clarify, the use on the property is correctly described as not new, but more accurately it is an ongoing illegal use and the traffic and safety on Hooson Road is a concern in the local area.

Certainty:

Consideration should be given to the principal of certainty with respect to the rural area by maintaining consistency of the type and suitability of uses. Neighbours have purchased properties and built homes in the local area with the reasonable expectation for the peaceful and enjoyable use of their land. This is based on certainty with land use policies and regulations, particularly the zoning of land.

It is further noted that many properties in the local area have not yet been developed residentially (see Attachment 2.2). The future residential development of this and other properties could potentially lead to further conflict if the use is permitted.

Permit Conditions:

The set of conditions incorporated into the draft TUP (Attachment 8) are built upon the Home Industry objectives and policies in the OCP and the regulations of the LUB. This approach has been taken as they represent an established LTC policy framework. Such conditions would otherwise be applied to the use if there was a residential use on the property. This approach was agreed to by the applicants during a site visit on October 5, 2017. There has been a reduction of the setbacks from 50 to 30 metres (27 metres to the west, rear lot line). This is to accommodate existing structures. Also, imposing a 50 metre setback could result in siting where more noise exposure to the local area would occur (i.e. closer to Hooson Road on or to the east of the height of the land). It is noted that the Home Industry regulations have significant setbacks which would indicate that uses are only intended for larger Rural lots.

Other conditions will limit impacts (hours of operation) and safeguard the natural environment and protect from fire hazard if the LTC opts to issue the permit. Late changes made to the permit have been highlighted above in ‘Background’.

Neighbour Concerns and Support:

Neighbour opposition and support is reflected in correspondence received to date (see next section ‘Statutory Requirement – Notification and Correspondence’ – below). At the time of writing, neighbour opposition are represented by approximately twenty four (24) neighbours who live in the local neighbourhood with potentially more forthcoming after the time of writing. The letter from the ‘Committee Opposed to NP-TUP—2017.2 (Wilmot)’ is representative of local opposition and highlights concerns about the process and non-compliance and notes numerous potential impacts, most of which have been addressed herein. These include changes to quiet, rural area, lack of residency (build- out), fire hazard, deterioration of the roadway and increased traffic

and noise, impact on property values, precedent setting and industrial activity being counterproductive to developing a sense of community. As stated below

A petition was submitted by the applicants with signatures from local residents of Hooson Road that supports the application. Letters of support primarily indicate the value of the business to the island and service it provides to the community.

Statutory Requirement – Notification and Correspondence

TUP Notices were initially circulated to surrounding property owners and residents for the March 22 LTC meeting which was subsequently rescheduled to April 26, 2018. New notices were mailed and circulated and published in the Gulf Islands Driftwood newspaper on **April 18, 2018**. The notification period will end at 4:30 p.m. on April 25, 2018. Notice was also posted on North Pender Island community bulletin boards.

All correspondence and agency correspondence has been forwarded to the LTC and posted on the North Pender Website here: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/current-application-documents/>

In summary, at the time of writing, staff have received the following:

- A letter from a direct neighbour (to the southeast - Kaye) in support of the application.
- A letter against the application from the 'Committee Opposed to NP-TUP—2017.2 (Wilmot) – the 'Committee') ' This is represented by three (3) direct neighbours (Thomson, Smith and Hauta).
- An e-mail from a neighbour retracting their signature on the Wilmott's petition (next – upon receiving notification) and stating their opposition (Ployez)
- A petition in support in support of the application with eight (8*) signatures from residents along Hooson Road provided by the applicant. The signatories all live within approximately one (1) kilometer of the proposed use. (*Of the signatories, one withdrew and another [Kaye] had already submitted a letter).
- Ten (10) letters of support from residents and small business owners on North and South (1) Pender. Only one of the letters (Kaye) is from a direct neighbour on Hooson Road. It is noted that several of these letters state that the Wilmotts are willing /proposing to build a residence on the property. It is, therefore, uncertain what was represented. Further it is noted that the Wilmott's unwillingness to build a residence on the property has previously been an obstacle to compliance (above).
- A petition with a further seven (7) signatures was received on March 18, 2018 from the applicant. None of the signatories live in proximity to the subject property.
- A petition with twenty three (23) signatures against the proposal from local residents ('Committee Opposed to NP-TUP—2017.2 (Wilmot)') along Hooson Road was received on April 19, 2018. It is noted that numerous signatories had previously signed the applicant's petition in favour and subsequently have signed against.
- The above 'Committee' anticipates further signatures against to be submitted prior to the LTC meeting.

Agencies

Staff referred the subject application to the MoTI, Parks Canada and the CRD Building Inspection for comments. The CRD has responded to the referral of the draft TUP by confirming that the abatement structure would

require a Building Permit. MoTI responded that they have no objections to the permit noting a requirement to obtain a commercial access permit. Parks Canada has not responded at the time of writing.

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

First Nations

Temporary Use Permit applications do not generally trigger a requirement for First Nations referral. No recorded archaeological sites are located within 100 metres of the subject property. However, the shoreline in the vicinity of the subject property is an area of archaeological potential

Rationale for Recommendation

The recommendation on page 1 is supported as although it is recognized that the operation provides an economic benefit and opportunity as well as a service to the community, the land use is not suitable for the subject property and the impacts on the local area outweigh benefits. These impacts are summarized:

- The proposal is not consistent/contrary to numerous ITPS and OCP Objectives and Policies.
- Comprehensive zoning with smaller lots, where neighbours are closer than conventional rural lots.
- The lot is too small.
- Compliance with setbacks for outright home industry would be challenging and lead to greater impacts.
- History of non-compliance by the applicants and bylaw complaints over a period of six (6) years.
- Traffic impacts on the narrow section of Hooson Road.
- Certainty with zoning.
- Noise and other impacts on neighbours and on national park users.
- Strength of opposition from neighbours.

ALTERNATIVES

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Amend the TUP

The LTC may opt to amend the proposed permit by adding a further condition(s) and issue as amended. By example, this amendment could reduce the permit's valid time period from three (3) years to one (1) year in order to closely monitor the effectiveness of sound abatement.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend application NP-TUP-2017.2 (Wilmott) by adding (i.e. reducing the valid time period of the permit from three (3) years to one (1) year) and approve issuance as amended.

3. Approve the application

The LTC may approve the application. As noted above, the proposed permit has been amended upon request to reduce volumes of timber and firewood.

That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2017.2 (Wilmott).

NEXT STEPS

Submitted By:	Phil Testemale, A/Planner 2	April 17, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	April 17, 2018

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. OCP Policies
4. Bylaw Enforcement Timeline (NP-BE-2012.4)
5. Engineers Report
6. Comparison of Other Jurisdictions
7. Notice
8. Draft TUP Permit NP-TUP-2017.2 (Wilmott)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 25, Section 14, Pender Island, Cowichan District, Plan VIP74671
PID	025-569-040
Civic Address	5586 Hooson Road
Property Size	3.27 ha

LAND USE

Current Land Use	Rural
Surrounding Land Use	Northwest: Rural Southeast: Rural Southwest : National Park East: Rural

HISTORICAL ACTIVITY

File No.	Purpose
NP-BP-2010.26	
NP-BP-2015.3	

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as Rural – R in the North Pender Island Official Community Plan No. 171, 2007. The following Development Permit Area (DPA) is designated on the property (see Attachment 2.3): DPA 4 – Wetland On neighbouring properties to the northeast (across Hooson Road) there are Raptor Nests that are designated in DPA 7 – Raptor and Heron Nests.
Land Use Bylaw	The property is zoned Rural Comprehensive 1 (RC1) in the North Pender Island Land Use Bylaw No. 103, 1996.
Other Regulations	
Covenants	EJ 133421 – Capital Regional District
Bylaw Enforcement	NP-BE-2012.4 – See main report

SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None
Sensitive Ecosystems	See DPA designation (above) and Sensitive Ecosystem Mapping (Attachment 2.4) that shows the area of Mature Forest on the western portion of the

	property.
Hazard Areas	[Include any information on hazard areas or potential hazard areas, such as unstable slopes or flood areas.]
Archaeological Sites	There are no archaeological sites listed in the Remote Access to Archaeological Data (RAAD) within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Minimal GHG impacts as most raw material incidental, however some tree loss could be assumed. No impacts on development due to climate change impacts.
Shoreline Classification	Not Applicable

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

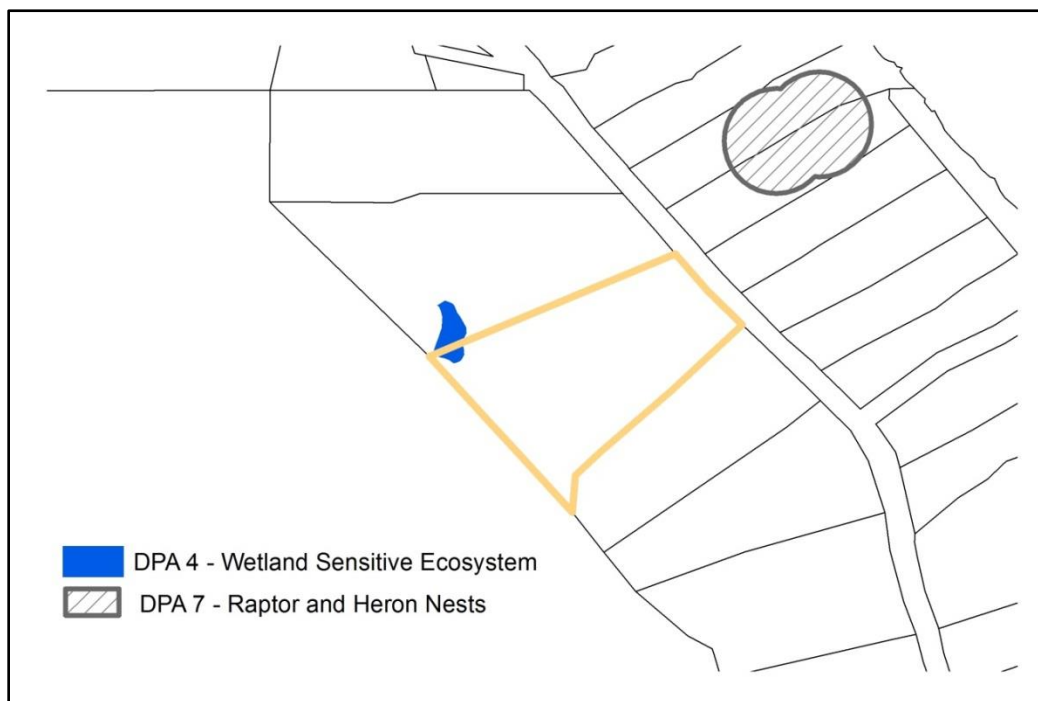
2.1 ORTHOPHOTO



2.2 EXISTING BUILDING FOOTPRINTS



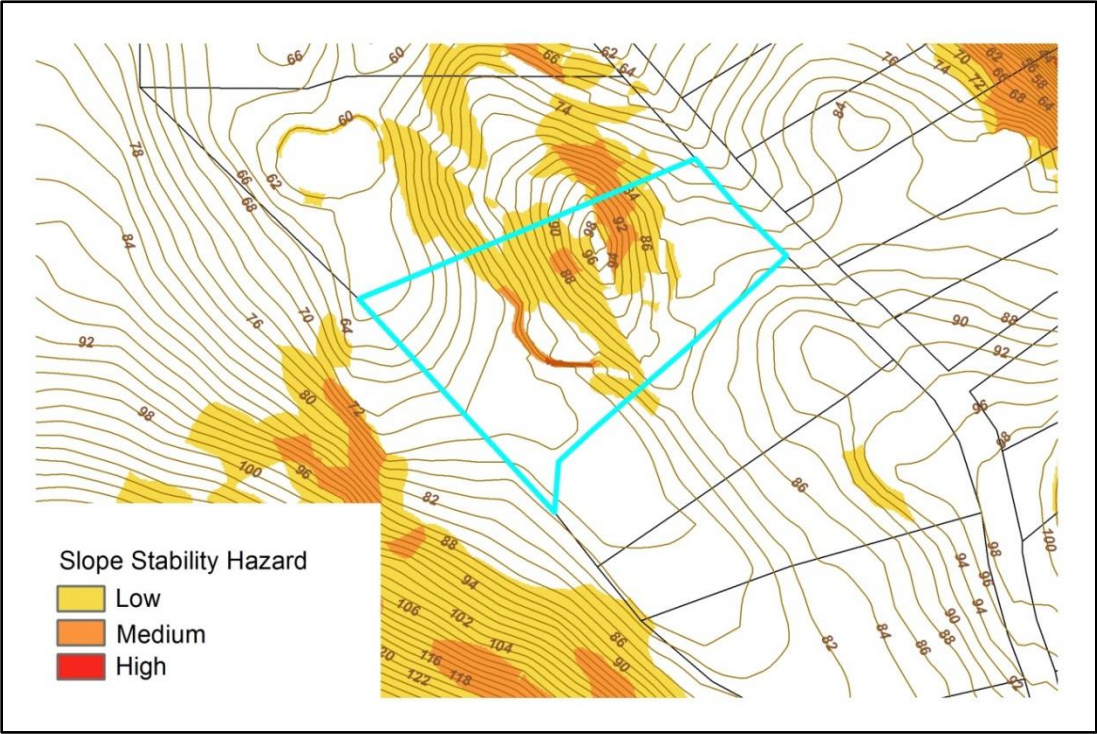
2.3 DEVELOPMENT PERMIT AREAS



2.4 SENSITIVE ECOSYSTEM MAPPING



2.5 CONTOURS



2.6 SITE PLAN



2.7.1 CURRENT USE AREA



2.7.2 SHED IN PROPOSED USE AREA



2.7.3 BARN AND PART OF PROPOSED USE AREA



2.7.4 SPLITTING MACHINE



2.7.5 MILLING MACHINE



ATTACHMENT 3 – POLICIES

NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN No. 171, 2007

OCP Objective/Policy	Complies	Planner Comments
RURAL LAND USES Objectives 2.1.2 3) To preserve the opportunity for a rural lifestyle.	yes	The economic activity does provide a benefit and a service to the larger community.
Policies 2.1.2.1 The principal uses on lands in the Rural land use designation shall be residential and agricultural	no	The proposal is for an Industrial use with no residential component.
INDUSTRIAL LAND USES Objectives 2.5 1) To encourage on-island enterprises that do not adversely affect rural character and lifestyle.	no	Historical impacts and potential impacts from the use permitted if permitted.
2.5 2) To limit industrial development to specific areas of the island.	no	Situated in a Rural residential context.
2.5 4) To ensure that any industry is sited to minimize adverse effects upon neighbouring properties.	no	Has above, history of past complaints and neighbour concerns.
Policies 2.5.1 Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.	no	Although sound abatement will diminish impacts of noise, it cannot do so completely. A particular concern for adjacent properties along the natural valley. Other potential impacts are noted for Hooson Road.
TRANSPORTATION SERVICES Objectives 3.1.3 1) To protect the scenic beauty and rural character of the island's roadways. 3.1.3 6) To protect roads having scenic value.	no	Impacts of use and potential impacts have been cited by neighbour submissions.
CONSERVATION AREAS, NATIONAL PARKS... Objective 2.6.5 The Local Trust Committee may consider regulations to mitigate the impacts of development on park lands or conservation areas.	no	Potential impacts of noise on adjacent GI National Park Reserve.
Temporary Commercial and Industrial Permit Policies 6.1 The NPILTC may issue Temporary Commercial and Industrial Use Permits for any are covered by this plan.	yes	

NP-BE-2012.4 Willmott Timeline

1. Complaint received: 28 March 2012
2. File Opened: 30 March 2012
3. Demand Letter & Bylaw Violation Warning Notice (BWN): 08 September 2014
 - a. BWN compliance date: 15 November 2014
 - b. Respondent submitted a compliance plan which included building a dwelling on the property and they did obtain a building permit but ultimately did not build and permit expired after two years.
4. 2nd Demand Letter: 01 June 2016
5. Bylaw Violation Notice (BVN): 27 July 2016
6. Response to BVN: 13 August 2016. Respondent requested a compliance agreement.
 - a. A compliance agreement could not be negotiated and the BVN was sent to Adjudication
7. Adjudication Hearing Date: 17 May 2017. Respondent wished to have his son attend the hearing but this could not be accommodated and eventually it was cancelled as the Respondent agreed to submit a TUP application that would bring the property into compliance.
8. Submission of TUP application: 13 June 2017.



RWDI
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Victoria, BC V8R 1G5
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Tel: +1.250.370.9302
E-mail: solutions@rwdi.com

September 12, 2017

RWDI #1703099

Wilmotts
3822 Pirates Road
Pender Island, BC V0N 2M2

Attention: Mr. and Mrs. Wilmott

E-mail: julie.wilmott@me.com

RE: NOISE ASSESSMENT OF HOBBY SAWMILL AT 5586 HOOSON ROAD, PENDER ISLAND

As requested, RWDI has carried out a noise assessment of the hobby sawmill at 5586 Hooson Road on Pender Island in support of Temporary Use Permit NP-TUP-2017.2(Wilmott). The assessment consisted of:

1. Measuring noise levels from the sawmill at various locations on and off the property;
2. Comparing the noise levels to Municipal Noise Bylaws; and
3. Evaluating the effectiveness of a barrier/shed in reducing sawmill noise emissions.

This report discusses the methodology employed in the noise measurements and presents the results of the noise assessment.

Noise Level Measurements

On June 3, 2017 from approximately 11:30 AM to 1:30 PM, noise level measurements were conducted at various locations on and off the 5586 Hooson Rd. property while the sawmill split cedar and fir logs. While there is also sometimes noise from the operation of a bobcat and a planer, the noise measurements were focused on the operation of the sawmill as it creates the highest noise levels and is understood to be the primary cause of the noise complaints. Furthermore, the planer will in the future be located inside of a barn and its noise emissions are therefore expected to be much lower than when it was operated outdoors.

The measurement locations were as follows:

- Site 1: 10 metres to the west of the sawmill
- Site 2: Western property line
- Site 3: Western property line of adjoining Lot 16
- Site 4: Southern property line (National Park Boundary)
- Site 5: Eastern property line
- Site 6: Northern property line (top of driveway)



The measurements were conducted using Larson Davis LxT sound level meters (SLM) which were calibrated before and after the measurements. These digital instruments comply with ANSI S1.4 (1983) standards for Type 1 Sound Level Meters (SLM) and are capable of sampling the ambient sound level many times per second and storing the resulting sound level data for subsequent analysis and display. The primary noise level data collected by the SLM were one-second equivalent sound level (L_{eq}) expressed both in terms of both the A-weighted noise level and one-third octave band sound levels. These acoustical terms are defined as follows:

- *A-Weighted Noise Level* - Because the human ear and brain system is much more sensitive to sounds at mid-range and higher frequencies, or pitches, than at lower frequencies, sound level meters are equipped with electronic filtering, or weighting, networks that replicate the human ear's frequency sensitivity. The most widely used of such weighting networks is called A-weighting, and sound levels measured with this weighting are expressed in dBA.
- *Equivalent Noise Level, L_{eq}* - Essentially a time averaged noise level but more precisely defined as the steady sound level which, over a given 24-hour time period, results in the same overall sound energy exposure as would the actual fluctuating level. Equivalent sound level is expressed in units of dBA.
- *One-Third Octave Band* - A standard division of a frequency spectrum in which the interval between the centre frequencies of two adjacent bands is a ratio of approximately 1.25.

Two of SLM were employed in the measurements and sawmill noise was measured at 6 locations. One SLM continuously logged noise levels at Site 1 (10 m from the sawmill) while the other SLM was used to take spot measurements at the more distant property line locations. The duration of the measurements at sites 2 to 6 ranged from approximately 5 to 20 minutes with each measurement including at least one-minute of noise from the operation of the saw. The exception was Site 6 where sawmill noise was inaudible and not measureable above the background noise level. The measurements captured noise while the sawmill cut logs and while it idled. On average, cutting was found to occur for approximately 20% of the time and idling for 80% of the time. Table 1 provides the results of the noise measurements in terms of L_{eq} for sawmill cutting and sawmill idling, as well as a "combined" level which is an L_{eq} which includes noise from both cutting and idling. When the sawmill was not operating, the ambient noise level in the area ranged from approximately 30 to 36 dBA with the primary sources of noise being wind in the trees and wildlife.

Table 1: Saw Noise Measurement Results

Site	Location	Sawmill L _{eq} (dBA)		
		Cutting	Idling	Combined
1	10 m to the west of saw	78	58	71
2	Western PL	50	39	44
3	Western PL of Adjacent Lot 16*	39	37	37
4	Southern PL (National Park Boundary)	63	45	56
5	Eastern PL	58	43	51
6	Norther PL (top of driveway)	_#	_#	<36

* Note: Noise measurements were conducted at site 3 because it is at the property line of a nearby residence to the sawmill. Lot 26, which borders on the sawmill, is currently undeveloped.

Note: Sawmill noise was neither audible nor measurable relative to ambient noise levels. Sawmill noise was therefore lower in level than the upper range of background noise levels.

Municipal Noise Bylaws

Capital Region District Bylaw No. 3378 "A BYLAW FOR THE ABATEMENT AND CONTROL OF DISTURBING NOISE IN THE ELECTORAL AREA OF THE SOUTHERN GULF ISLANDS IN THE CAPITAL REGIONAL DISTRICT" does not contain any specific noise level limits but rather includes the following general prohibition:

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

The bylaw additionally restricts certain noise generating activities from occurring during the nighttime or early morning hours. These restrictions, however, are not relevant to the sawmill because it only operates during the daytime hours.



Without noise level limits it is difficult to determine at what level a given noise would be considered by the bylaw to “tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience”. While not directly applicable to the southern gulf islands, the City of Victoria Noise Bylaw does contain such noise level limits. These limits are used in this report to assist in interpreting the Southern Gulf Islands’ Noise Bylaw. It is recognized that Victoria’s Noise Bylaw may not be entirely appropriate for use in the southern gulf islands which are not as densely developed nor as urban in nature as the City of Victoria and which do not consequently experience the same levels of background noise (e.g., urban hum). However, the City of Victoria Noise Bylaw limits provide useful context regarding what noise levels may be considered appropriate for different land uses and these limits can be adjusted to reflect the more noise sensitive nature of rural areas such as the southern gulf islands.

City of Victoria Noise Bylaw divides the city into four districts based upon their noise sensitivities: Quiet, Intermediate, Harbour Intermediate, Activity. The permitted noise level at the property line of a land parcel is then determined by the location in which the noise is created (Noise Source District) and in which it is experienced (Noise Receiver District). To reflect the more intrusive nature of noises that are impulsive, tonal and/or persistently intermittent, such noises are subject to a +5 dBA penalty up to maximum total penalty of +10 dBA.

For the particular case of this assessment, both the noise source (saw mill) and noise receivers (adjacent residential properties) would likely be considered to be in “Quiet Districts” with an associated daytime noise level limit of 55 dBA. To reflect the more rural nature of Pender Island, this noise level limit has been reduced to 50 dBA¹. The operation of the saw, both when cutting and idling, was found to produce tonal noise as per the definition of the City of Victoria Noise Bylaw. As such, the noise level limit is further reduced from 50 to 45 dBA with the application of the 5 dBA penalty for tonality. Table 2 compares the combined, sawmill L_{eq} to this adjusted, 45 dBA bylaw limit.

¹ The City of Victoria Noise Bylaw limits for “Quiet Districts” are 5 dBA lower than those for “Intermediate Districts”. Providing a limit for a rural area that is 5 dBA lower than for a “Quiet District” is therefore considered to be consistent with the general structure of the noise bylaw limits.

Table 2: Comparison of Sawmill Noise Levels to Adjusted, City of Victoria Noise Bylaw Limit

Site	Location	Combined Sawmill L_{eq} (dBA)	Exceedance of Adjusted, 45 dBA Bylaw Limit
2	Western PL	44	-1
3	Western PL of Adjacent Lot 16*	37	-8
4	Southern PL (National Park Boundary)	56	11
5	Eastern PL	51	6
6	Norther PL (top of driveway)	<36	<-9

Referring to Table 1, it can be seen that sawmill noise levels are in excess of the 45 dBA bylaw limit at the southern and eastern property lines. It should, however, be noted that the southern property line does not border on a residential property but rather a National Park. As there are no established hiking trails or public access to the National Park in close vicinity to the property at 5586 Hooson Rd., the potential for human disturbance by sawmill noise (which is the focus of the Southern Gulf Islands Noise Bylaw) is considered to minimal.

Reducing Sawmill Noise Levels

The Wilmotts intend to construct a sound abatement structure to the west of the sawmill. It was decided that the noise mitigation should be focused on reducing noise levels at the western property line for the following reasons:

- Although sawmill noise was found to exceed the bylaw limit at the eastern property line, the immediate eastern neighbours have provided a letter in support of the sawmill stating that they are not disturbed by the noise;
- Sawmill noise levels at the northern property line were inaudible and not measurable above the background noise level;
- The potential for human disturbance (which is the focus of the Southern Gulf Islands Noise Bylaw) by sawmill noise is considered to be minimal in the National Park which is located to the south of the sawmill.



The sound abatement structure (phase 1) will consist of a 15-ft high cantilevered shed approximately 11-ft to the west of the sawmill which will be supplemented by 10-ft high gated fence. The interior surfaces of the cantilevered shed will be lined with 2-in thick semi-rigid fiberglass board in order to suppress sound reflections. The cantilevered shed would be expected to reduce sawmill noise levels by approximately 5-10 dBA at the western property line which would place sawmill noise levels well below the 45 dBA limit. Plan and section views of this structure were provided by the Wilmotts and are attached to this report as Figures 1 through 3.

Also shown in the figures are plans and sections for a second sound abatement structure (phase 2) that would reduce sawmill noise levels at the eastern property line. While this structure is not currently considered necessary for the reasons outlined above, it could be constructed should sawmill noise, in the future, result in noise disturbances on the eastern property.

I trust this assessment has provided all the information required at this time. Please contact me if you have any questions regarding the findings or recommendations of this report.

A handwritten signature in black ink, appearing to read 'Andrew Williamson'.

Andrew Williamson, P.Eng.

Andrew.Williamson@rwdi.com

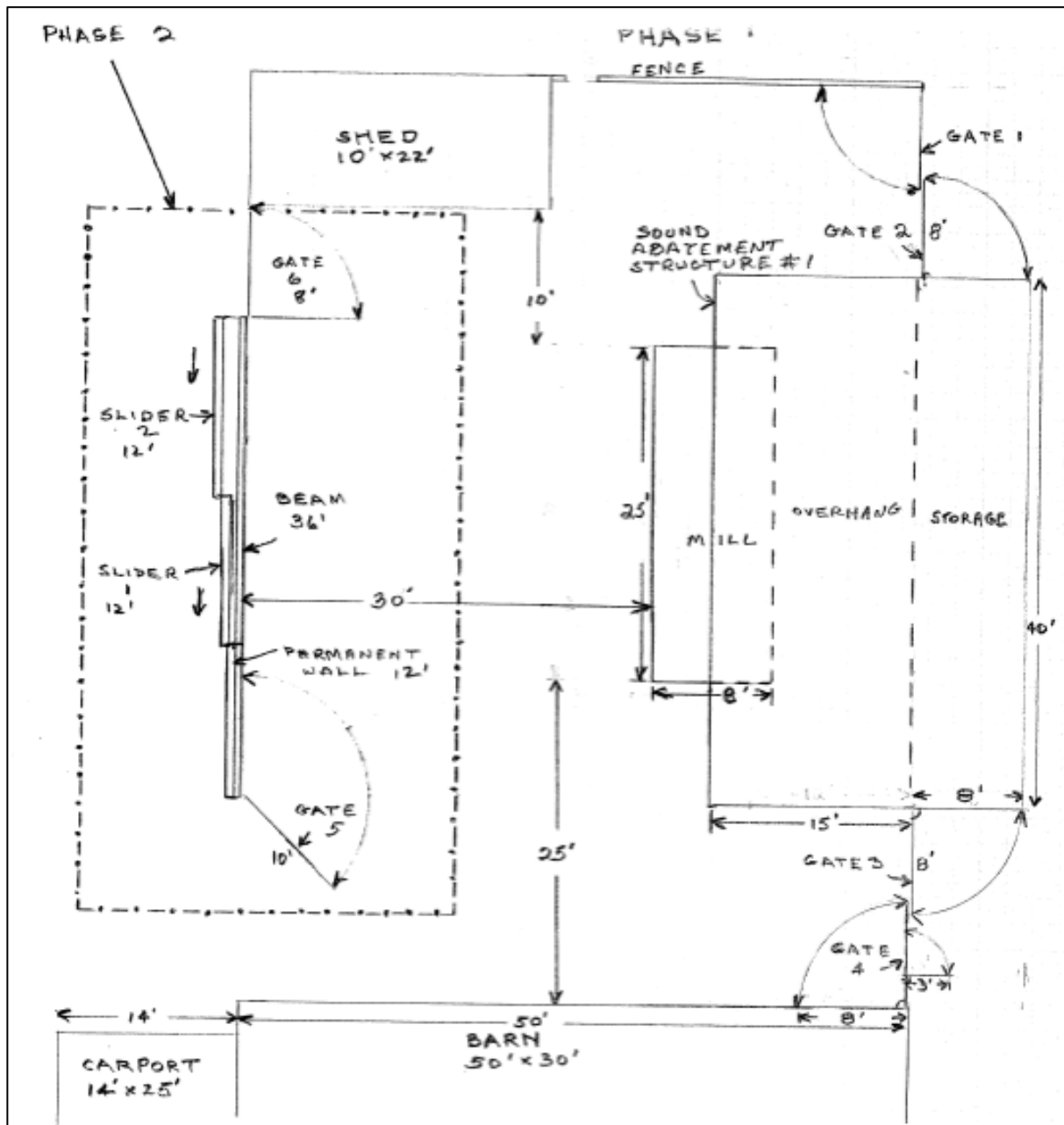


Figure 1: Sound Abatement Structure #1 and #2 - Plan View

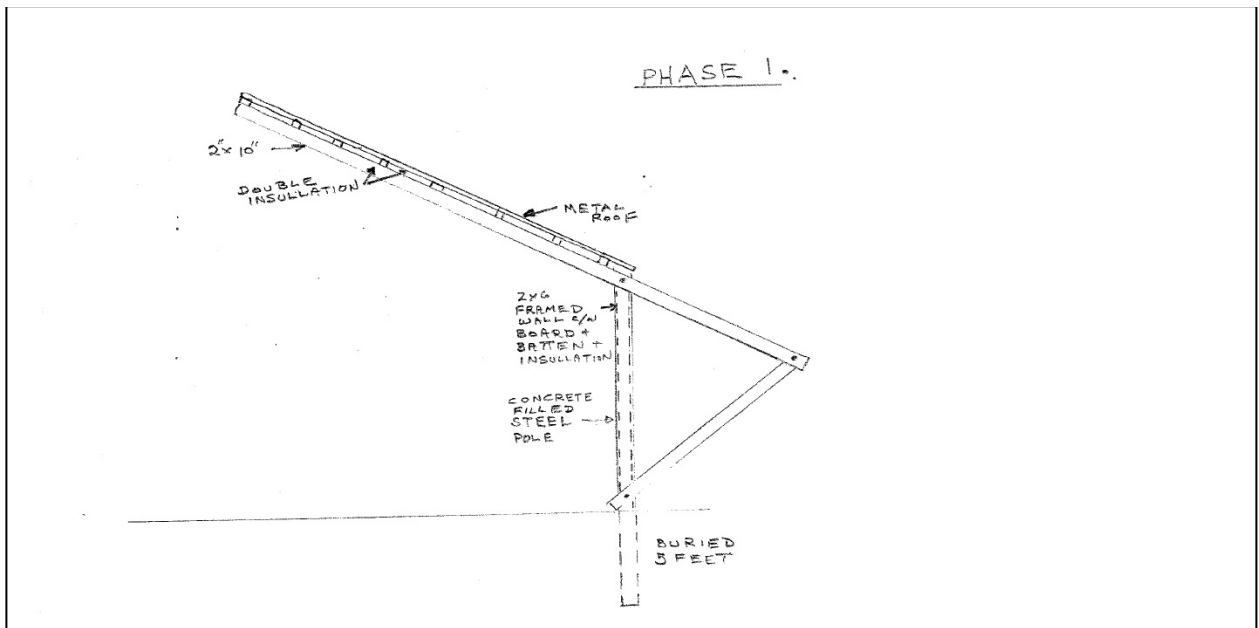


Figure 2: Sound Abatement Structure #1 - Cross-Section View

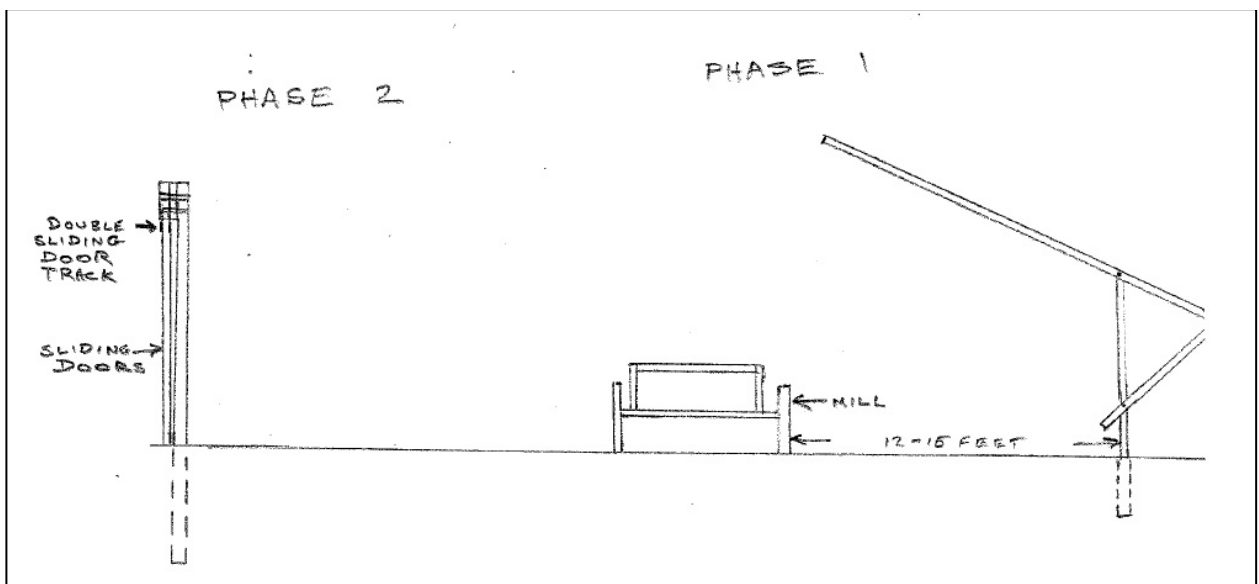


Figure 3: Sound Abatement Structure #1 and #2 - Cross-Section View

ATTACHMENT 6 – COMPARISON OF REGULATIONS FOR PORTABLE SAWMILLS

Jurisdiction	Zone	Setback	Min.Lot Size	Other Regulations
Cranbrook Rural Bylaw 1402 (RDEK)	Rural Residential (Extensive) RR-16	30 m 100 m to dwelling on neighbouring parcel	8 ha	(b) All <i>portable sawmills</i> must meet the following requirements: (i) maximum capacity of 50 m ³ (21,180 board feet) per day; (ii) accumulation of sawdust, wood chips or other wood products not exceeding 10.0 m high; (iii) a clear fire guard a minimum of 15.0 m wide must be established around the mill, logs or debris; (iv) all slash must be removed from the parcel and disposed of in advance of operation of the <i>portable sawmill</i> ; (v) All debris, slash, mill waste, timbers and skids must be removed upon cessation of the <i>portable sawmill</i> operation
Squamish Lilloet – Elect'l Area C	Rural Residential 2	150 m to any lot line	4 ha	Max. Total Combined Gross floor area for Non-Residential uses – 100 m ²
Electoral Area 'I' – Cortes Island	General Regs.	30 m from all property lines (incl. outdoor work areas)	4 ha	
West Kelowna	General Regs.		8 ha	3.8 PORTABLE SAW MILLS AND PORTABLE SHAKE MILLS .1 Portable saw mills and portable shake mills shall: (a) be located on parcels with parcel areas of at least 8 ha (19.8 ac); (b) have a capacity of not more than 50 m ³ (21,188.8 board feet of lumber) per day; (c) have no accumulation of sawdust, wood chips or other wood products with a height exceeding 10 m (32.8 ft); and (d) provide a clear fire guard a minimum of 15 m (49.2 ft) wide around the mill, logs and debris, measured from the nearest parcel boundary or the forest, whichever is closer to the mill, logs or debris. .2 Only logs originating from the parcel upon which the portable saw mill or portable shake mill is located may be processed in a portable saw mill or shake mill.

				.3 The use of a parcel for the storage of debris, slash, mill waste, timbers and skids after cessation of operation of a portable saw mill or portable shake mill is prohibited
South Shuswap	General Regs	75m to all parcel lines	10ha	Maximum site area of a portable saw mill is 1 ha
South Pender Bylaw No. 114	Forestry (F)	20 m	4 ha	
Denman LUB No.186	Home Occupation Regs;			2.4.9 The use of a permanent sawmill or portable sawmill as part of a home occupation is prohibited
	Residential Zones			3.3.8 (Residential Zones) Portable sawmill accessory to a residential use, to accommodate occasional wood working and wood processing
	Resource Zones		10 ha	3.4 (Resource Zones) Portable sawmill accessory to a residential use, to accommodate occasional wood working and wood processing, or accessory to a forestry use on lots larger than 10 hectares
Gabriola LUB No. 177	Forestry (F)		60 ha	
Comox Valley Bylaw No. 2781	General Regs			314 Portable Sawmills Where not otherwise prohibited in this bylaw portable sawmills are permitted: 1. On a lot on which it is used solely to saw logs from trees grown and harvested from the lot on which the portable sawmill is located; or 2. As a Domestic Industrial Use where permitted in this bylaw subject to the requirements of Section 307
	Rural Eight – RU8 (and Rural Twenty RU 20)	30 m	8.0 ha (4.0 ha)	All sawmill uses or portable sawmill uses shall be subject to the following conditions: a) Minimum yard clearance along all property lines of 30.0 metres (98.4 feet). b) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres (6.6 feet) in height. c) Uses abutting an area zoned under Part 700 Residential Zones shall be screened and buffered from adjacent properties through the use of fencing, berming and evergreen vegetation being not less than 1.5 metres (4.9 feet) in height. All screening shall be well maintained and painted as required.



**NOTICE
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2017.2**

Islands Trust

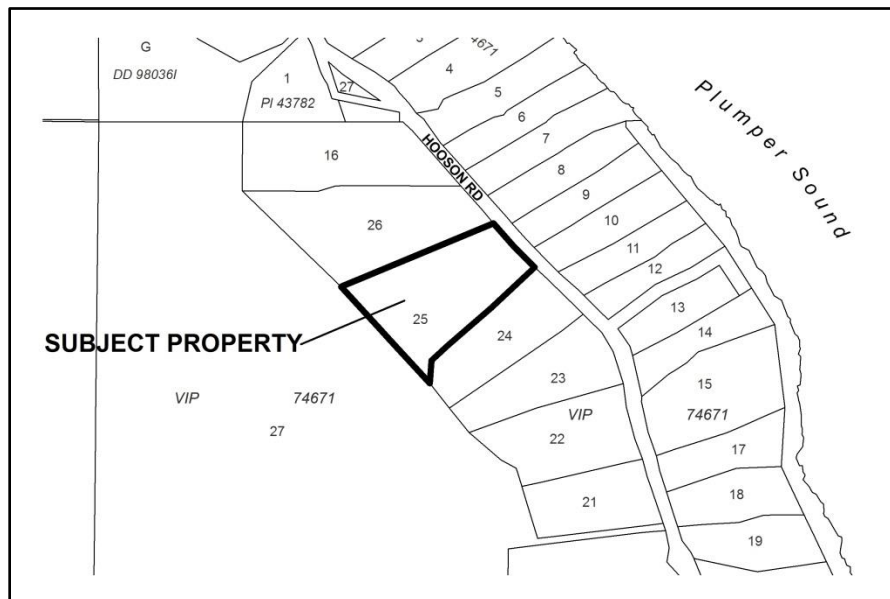
NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to a portion of Lot 25, Section 14, Pender Island, Cowichan District, Plan VIP74671 (PID: 025-569-040). This property is located at 5586 Hooson Road.

The purpose of this temporary use permit would permit the following industrial uses:

- a) Sawmilling of timber with a portable sawmill.
- b) Splitting of timber.
- c) Storage of timber, wood and wood products.
- d) Accessory retail sales of wood products.

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

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **April 13, 2018** and up to and including **April 25, 2018**.

Enquiries or comments should be directed to Planner Phil Testemale at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before 4:30 p.m., **April 25, 2018**. The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:00 a.m.**, Thursday, **April 26, 2018**, at the Anglican Church Hall, 4703 Canal Road, on North Pender Island.

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

Sharon Lloyd-deRosario, Deputy Secretary



PROPOSED

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2017.2 (Wilmott)**

5586 Hooson Road

To: Alan and Julie Wilmott
Allister Wilmott

1. This Permit applies to the land described below:

That portion of:

Lot 25, Section 14, Pender Island, Cowichan District, Plan VIP74671
(PID: 025-569-040)

indicated as 'Temporary Use Area' on Schedule 'A'

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

- a) Sawmilling of timber with a portable sawmill.
- b) Splitting of timber.
- c) Storage of timber, wood and wood products.
- d) Accessory retail sales of wood products.

The use shall be consistent with Schedules 'A', 'B' and 'C' which are attached to and form part of this permit.

3. and is subject to the following conditions:

- a) There shall be no other commercial or industrial use on the property other than the uses permitted by Section 2.
- b) All uses permitted by Section 2. must be set back a minimum of 30 metres from any well or surface water bodies.
- c) Operation of machinery is limited to a portable sawmill, a portable log splitter, a planer and motorized equipment and vehicles for loading and moving processed and unprocessed wood shall be restricted to between the hours of 10 a.m. and 4 p.m. daily Monday to Friday.
- d) Operation of the portable sawmill and splitter is to be undertaken completely within the enclosed 'Sound Abatement Structure' as indicated on Schedule 'B' and 'C' and during operation all 'gates' and 'fences' as indicated on the Schedule 'B' and 'C' are to remain closed.
- e) Operation of the planer shall be undertaken completely within the building labelled 'barn' on Schedule 'A' and during any operation all windows and doors are to remain closed.
- f) Movement of machinery and vehicles to and from the subject property for the purposes of delivering raw materials and transportation of processed materials from the property shall be restricted to between the hours of 10 a.m. and 4 p.m. daily Monday to Friday.
- g) Accessory retail sales to the public shall be restricted to between the hours of 10 a.m. and 4 p.m. on Fridays only.

- h) The combined floor areas of all buildings and structures for the uses permitted by Section 2. (above) shall not exceed 185 m² and shall be sited completely with the 'Temporary Use Area' indicated on Schedule 'A' of this permit.
 - i) The outdoor portion of the 'Temporary Use Area' indicated on Schedule 'A' shall not exceed a combined maximum area of 930 m² for the uses permitted by Section 2. (above) excluding buildings and structures identified in 3. h).
 - j) All uses permitted by Section 2. (above) shall be sited consistent with setbacks indicated on Schedule 'A' of this permit.
 - k) For the purposes of maintaining a natural vegetative screen, there shall be no removal of any vegetation within 30 metres of the north and south interior side lot lines and within 27 metres of the west, or rear, lot line with the exception of area of the 'fire guard' as indicated on Schedule 'A'.
 - l) A clear fire guard with a minimum of 15 m wide around the 'Temporary Use Area' is to be maintained for the duration of this permit as indicated on Schedule 'A'.
 - m) A minimum supply of 52,280 litres (11, 500 gal) of available water storage , pumps and lengths of 3" hose sufficient to reach the 'Temporary Use Area' shall be stored on site for fire suppression measures at all times.
 - n) An industrial fire extinguisher shall remain on site at all times
 - o) The 'Sound Abatement Structure' shall be consistent with Schedules 'B' and 'C' and construction shall be completed within sixty (60) days of issuance of this permit.
 - p) The uses permitted by Section 2. (above) must not generate any noise in the course of its operations that may be heard at any lot line.
 - q) Volume of lumber processed shall not exceed 46.8 m³ (20,000 board feet) annually.
 - r) Volume of firewood processed (split) shall not exceed 72.4 m³ (2560 ft³ or 20 cords) annually.
 - s) Accumulation of slash, sawdust, wood chips or other wood materials is not to exceed 5 m in height and must be contained in the 'Temporary Use Area.'
 - t) There shall be no open burning of waste materials from the milling or splitting of timber including slash, sawdust, woodchips or other wood products on the property other than by a permit issued by the Pender Island Fire Rescue.
 - u) Siltation fencing shall be installed to protect the water quality of the 'wetland' identified on Schedule 'A' and maintained for the duration of this permit consistent with Schedule 'A'.
 - v) A spill control kit shall remain on site at all times.
 - w) All equipment and materials permitted by Section 2. (above) are to be removed from the site by the date of the expiry of this permit. The removal of fencing and sound abatement structures is not a condition of this permit.
 - x) The Islands Trust Bylaw Enforcement Officer may enter the property between the hours of 9:00 a.m. and 5:00 p.m. on any day without prior consultation with the Permit holder for the purpose of investigating a complaint.
4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure, and Pender Island Fire Rescue.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS XXth DAY OF _____, 2018.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2017.2
SCHEDULE 'A'

Site Plan

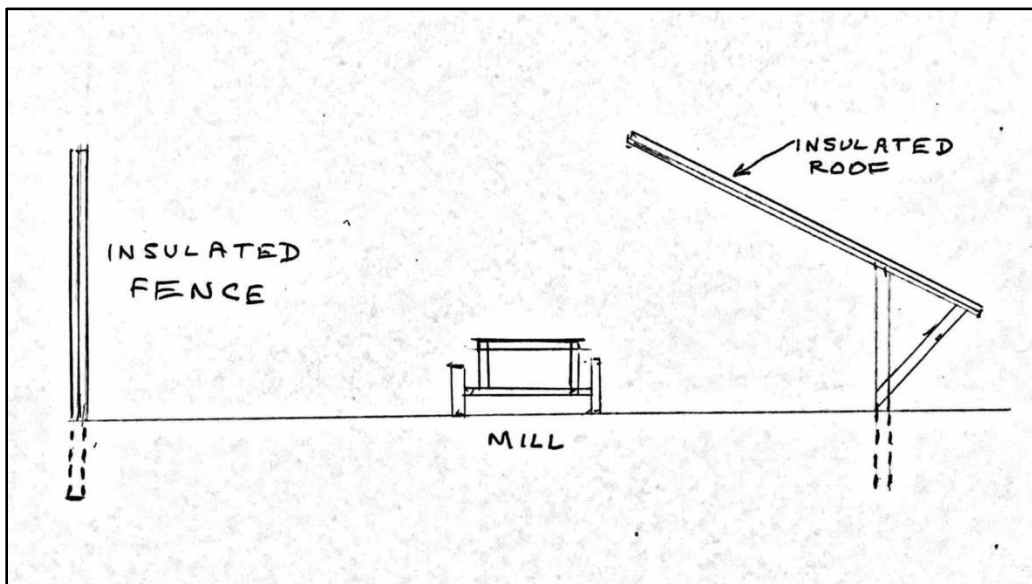
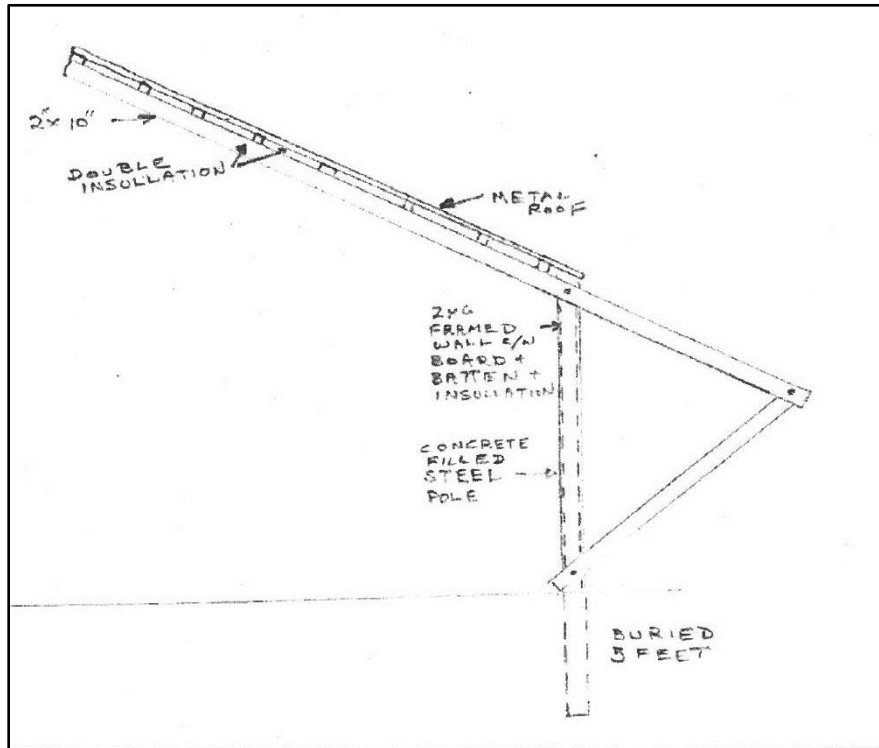


Sound Abatement Plan



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2017.2
SCHEDULE 'C'

Sound Abatement Sections



DATE OF MEETING: April 26, 2018
TO: North Pender Island Local Trust Committee
FROM: Jason Youmans, Island Planner
Southern Team
COPY: Justine Starke, Island Planner
SUBJECT: Temporary Use Permit for Short Term Vacation Rental
Applicant: Mary June Pettyfer
Location: 1601 Storm Crescent

RECOMMENDATION

1. That the North Pender Island Local Trust Committee issue Temporary Use Permit NP-TUP-2018.1 as shown in Appendix 1 of the staff report for the April 26, 2018 meeting.

REPORT SUMMARY

The purpose of the report is to consider a Temporary Use Permit (TUP) for the Short Term Vacation Rental (STVR) of an existing dwelling unit (see Appendix 1).

In sum, the above recommendation to issue the TUP is supportable. The permit meets the specific guidelines of the OCP and incorporates conditions arising from comment received by neighbours. In the event the STVR does become a cause of neighbourhood concern, permit compliance can be enforced or, ultimately, the LTC can reject renewal of the TUP.

BACKGROUND

The proposal is for a TUP for Short Term Vacation Rental use within an existing five-bedroom single-family dwelling on the property. The application is a result of bylaw enforcement action on unlawful short term vacation rentals on North Pender Island (NP-BE-2017.17). Through this TUP application, the applicants wish to bring the property into compliance and maintain the STVR use.

The subject property was the primary residence of the owner until health issues necessitated a move off Island. The applicants state that they foresee the house being available for vacation rentals for approximately 16 weeks per year. For the remainder of the year it has been occupied by a family friend.

There is no new construction or land alteration associated with this application.

The applicant states that they advertise on breakawayvacations.com, though they have removed their ad pending the outcome of this TUP application.

See Appendix 6 for a copy of the information the applicants currently provide to their guests.

The proposed TUP is for a term of three (3) years which can be renewed for a further three (3) years by application.

A copy of proposed permit NP-TUP-2018.1 and a completed TUP checklist are attached as Appendices 1 and 2. Appendices 3 and 4 provide information on the context of the subject property.

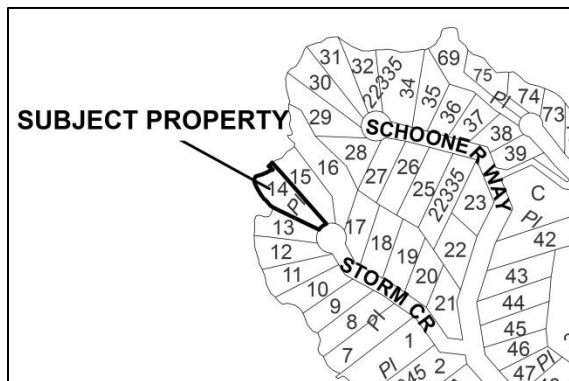


Image 1: Relative location of subject property



Image 2: Relative location of subject property

ANALYSIS

Policy/Regulatory

Official Community Plan:

Bylaw 203, adopted by the North Pender Island Local Trust Committee in April 2017, introduced a number of guidelines concerning the issuance of TUPs for STVRs. The subject application is generally consistent with the OCP guidelines. See Appendix 2 for a full review of applicable guidelines.

The subject property is not located in any Development Permit Areas.

Land Use Bylaw:

The property is zoned Rural Residential (RR). RR zoning permits a single-family dwelling and accessory uses. The RR zone permits STVRs as a home occupation. However, as the owners of the subject STVR do not reside on the property, operation of an STVR requires a temporary use permit application.

The existing viewing platform (see Image 8 in Appendix 4) may be a violation of the 15 metre setback for structures from the natural boundary of the sea. The applicants were made aware of the potential encroachment. Site visit did not suggest any additional non-conformities of concern.

Issues and Opportunities

STVR Location Map/Cumulative Impacts

See Appendix 5 for a map of all TUPs for STVRs issued to date on North Pender Island.

There are currently four issued TUPs for STVRs on North Pender Island. Two further applications for STVRs are in process for LTC consideration.

Applicant's Rationale for the Proposed Use

The applicants state, "[the Owner] has increasing property, living and medical expenses for which she needs additional income."

Response to Neighbour and Public Notification

At the time of writing, the LTC has received correspondence from two neighbouring property owners. These neighbours do not object to use of the subject property as an STVR, however, each raised specific concerns about the nature of the operation. The concerns of these neighbours have been incorporated as conditions within the proposed permit (see Appendix 1). These concerns relate to:

- Provision of on-Island contact information to neighbours
- Camping on the subject property and adjacent road right-of-way
- Education of guests about Island ecosystem and how to protect it
- Signage
- Trespass

See Appendix 7 for correspondence received to date.

Staff recognize that the subject property is located in close proximity to the dwelling units on adjacent parcels, and, as such, a poorly managed operation could be a cause of nuisance to neighbours.

Permit Conditions

The proposed TUP incorporates most of the conditions that have been established in the OCP as well as additional ones based on neighbour concern. It allows for a maximum of seven (7) guests. The applicant has agreed to the terms of the proposed permit.

Consultation

Statutory Requirements

TUP Notices were circulated to surrounding property owners and residents on or before March 20, 2018 and published in the Gulf Islands Driftwood newspaper April 18, 2018 edition (see Appendix 8). Notice was also posted to the North Pender Island community bulletin boards. The notification period will end at 4:30 p.m. on April 25, 2018.

At the time of writing, and as described above, staff have received comment from two Storm Crescent residents.

Correspondence may be sent to information@islandstrust.bc.ca.

Protocols

N/A

Agencies

If NP-TUP-2018.1 is issued, staff will provide the permit to the CRD staff contact for the Magic Lake Water and Sewer System per OCP policy 6.4.4.

First Nations

Temporary Use Permit applications do not generally trigger a requirement for First Nations referral and no land works are authorized by the prospective permit. No recorded archaeological sites are located within 100 metres of the subject property.

Rationale for Recommendation

See page 1 for formal recommendation that permit NP-TUP-2018.1 should be issued.

The application has not been opposed by any neighbouring property owners, and the concerns they have raised have been, to a large extent, incorporated as conditions within the permit. The permit meets the specific guidelines of the OCP and the applicants have provided planning staff with information for an on-Island contact they state is available 24/7.

ALTERNATIVES

The LTC could consider the follow alternatives to the above recommendation:

1. Amend the permit and issue the permit as amended

If the LTC is concerned about any aspect of the proposed permit it may direct amendment(s) to the permit to address those concerns. Recommended wording for such direction would be as follows:

- 1) *That the North Pender Island Local Trust Committee amend temporary use permit NP-TUP-2018.1 by*
...
- 2) *That the North Pender Island Local Trust Committee issue temporary use permit NP-TUP-2018.1 as amended.*

2. Request further information

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

Resolution:

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

3. Deny the application

Resolution:

That the North Pender Island Local Trust Committee deny application NP-TUP-2018.1 (Pettyfer).

NEXT STEPS

If the LTC resolves to issue the permit, the permit will be issued accordingly. Alternatively, staff will undertake whatever direction is provided by the LTC.

Submitted By:	Jason Youmans, Island Planner	April 13, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	April 17, 2018

ATTACHMENTS

1. NP-TUP-2018.1
2. OCP Guideline Checklist
3. Site Context
4. Maps, Plans, Photographs
5. North Pender STVR TUP Map
6. Guest Information
7. Correspondence
8. TUP Notice



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2018.1 (Pettyfer)**

1601 Storm Crescent

To: Mary June Pettyfer

1. This Permit applies to the land described below:

Lot 14, Section 9, Pender Island, Cowichan District, Plan 22335
(PID: 003-275-540).

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

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

3. and is subject to the following conditions:

- a) either the property owner or other on-island contact must be available on North Pender Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and/or the on island contact person must be provided to guests upon arrival;
- b) the property owner or Short Term Vacation Rental operator must provide neighbours within a 200 metre radius of the vacation rental with the contact person's phone number, and a copy of the temporary use permit;
 - i) this information must be hand-delivered within 30 days of permit issuance;
 - ii) neighbours must be notified of changes to the on-island contact within 7 days of the change;
- c) the property owner or Short Term Vacation Rental operator must provide guests with information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets (if permitted). The guest information must also remind guests that the property is located in a residential area;
 - i) Information provided to guests of 1601 Storm Crescent must contain the additional specific provision: "Docks – The docks, platforms and stairs on the adjacent properties to the left and right are on our neighbours' properties. These, like all private property, are strictly OUT-OF-BOUNDS. Do not ask the neighbours to use them."
 - ii) As there is no safe shoreline access from the subject property, the operators must provide guests with information concerning the location of nearby public shoreline accesses.
- d) the property owner or Short Term Vacation Rental operator must provide guests with information on the Coast Douglas-fir ecosystem. This information will be provided to the operator by Islands Trust.
- e) the maximum number of guests is limited to seven (7);
- f) camping and occupancy of recreational vehicles are prohibited on the subject property and Storm Crescent road right-of-way;
- g) Signage advertising the Short Term Vacation Rental is prohibited;
- h) the rental or provision of motorized personal watercraft is prohibited;

- i) all outdoor fires are prohibited;
 - j) all parking for the Short Term Vacation Rental must be contained on the subject property;
 - k) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint;
 - l) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;
 - m) the property owner or Short Term Vacation Rental operator must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;
4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS XX^{xx} DAY OF XXXXXXXX, 2018.

Deputy Secretary, Islands Trust

Date Issued

Appendix 2: TUP Checklist for Short Term Vacation Rental

NP-TUP-2017.6 (Pettyfer)
1601 Storm Crescent

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.	Inherent in the application. Applicant proposed STVR use from June through September. Could be made a condition of TUP if LTC determines it warranted.
b) Residential Appearance - The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence	No exterior indication of STVR use, with exception of signage along high bank waterfront warning guests of edge, and “no trespassing” signs at property boundaries. Such signage visible only from within the property. Proposed permit condition that signage advertising the STVR is prohibited.
c) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	Nearest permitted STVR is three lots (approx. 50 linear metres) away at 1603 Schooner Way (file NP-TUP-2017.3 – approved November 23, 2017) Should this application be approved it will be the fifth permitted STVR approved by TUP, in addition to any others operating lawfully as home-based businesses. Two additional STVR TUP applications have been received.
d) Water and Septic - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit. If the lot is served by a community water system, the application should be referred to the water system for information.	The subject property is within the CRD Magic Lake Estates Community Water System. Per OCP Policy 6.4.4, any issued permit will be referred to the CRD for information. Sewage treatment system on subject property was installed in 2000. It is a Type 1 treatment system. Designed to process 500 gallons per day, which is sufficient for a 6-bedroom home a full-time occupancy. VIHA indicates that

Appendix 2: TUP Checklist for Short Term Vacation Rental

Guidelines	Comments
	commercial accommodation is considered to create discharge at a rate of 50 gallons per day. Thus, if subject permit authorizes 7 guests, $7 \times 50 \text{ G/d} = 350 \text{ G/d}$, and the sewage disposal system is adequate to accommodate the use.
e) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles	Site plan submitted by the applicant shows on-site parking for three automobiles. Permit condition to require that all STVR parking is accommodated on site and no camping is permitted on or off the property.
f) Sensitive Ecosystems - If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features	Islands Trust mapping does not show the subject property to contain a sensitive ecosystem. It is, however, located within the Coast Douglas Fir/Oregon Grape at-risk ecosystem. Permit condition requires that applicant provides information to guests about Gulf Islands ecosystems and how to protect them when visiting.
g) Signage - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m ²	No signage indicating STVR use. Permit condition to prohibit signage at the request of neighbours. Applicant concurs.
h) Operator Contact I - The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Condition of proposed permit.
i) Operator Contact II - The permit should require the owner or manager provide neighbours within a 200 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Condition of proposed permit. Further conditions added at request of neighbours. Applicant concurs.
j) Guest Information - The permit should require the landowner post the following information for guests: a) remind guests that the property is located in a residential area; b) information on noise bylaws, water conservation,	Condition of proposed permit. Applicant has provided a copy of the information they provide to guests.

Appendix 2: TUP Checklist for Short Term Vacation Rental

Guidelines	Comments
fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); c) emergency service contact information, and to provide a means for contacting them;	It is attached as Appendix 6. Further language added to address concerns raised by neighbours re. trespass.
k) Accessory Buildings - The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m2, and if the building has received an occupancy permit for residential use under the BC Building Code.	N/A There is a carport on site.
l) Bylaw Enforcement - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Included as permit condition
Permit Conditions	
m) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
i. Limit the number of bedrooms that can be used for short term vacation rentals	
ii. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response
iii. require the landowner/operator to post contact information and permit information at the entrance to the property	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
iv. prohibit camping or occupancy of RVs on the property	Included as a condition of draft permit.
v. prohibit the rental or provision of motorized personal watercraft	Included as a condition of draft permit.
vi. prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake	Included as a condition of draft permit.
vii. prohibit outdoor fires	Included as a condition of draft permit.
viii. establish the dates during which the use may occur	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
Agriculture Land Reserve	
n) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A

Appendix 2: TUP Checklist for Short Term Vacation Rental

APPENDIX 3 – SITE CONTEXT

LOCATION

Legal Description	Lot 14, Section 9, Pender Island, Cowichan District, Plan 22335
PID	003-275-540
Civic Address	1601 Storm Crescent

LAND USE

Current Land Use	Waterfront Residential
Surrounding Land Use	Waterfront Residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-DVP-2000.4	To relax the setback from the sea from 15 metres to 12.2 metres for construction of a dwelling unit

POLICY/REGULATORY

Official Community Plan Designations	Rural Residential - RR Subject property is not located within any development permit areas or heritage conservation areas.
Land Use Bylaw	Rural Residential – RR RR zoning permits a single-family dwelling and accessory uses
Other Regulations	Existing viewing platform may violate Section 3.7.1 requiring that structures be set back 15 metres from the natural boundary of the sea.
Covenants	N/A
Bylaw Enforcement	NP-BE-2017.17 – Unlawful STVR

SITE INFLUENCES

Islands Trust Fund	The subject property is not located near any properties owned or protected by the Islands Trust Fund.
Regional Conservation Strategy	The area of the subject property is of lower to medium relative habitat composition value
Species at Risk	Coast Douglas Fir/Oregon Grape Ecological Community
Sensitive Ecosystems	Islands Trust mapping does not show the subject property to contain a sensitive ecosystem.
Hazard Areas	The shoreline of the subject property is of moderate slope hazard risk.
Archaeological Sites	The subject property is not located within 100 metres of a recorded

	archaeological site. However, the immediate vicinity is noted in the Remote Access to Archaeological Data to be an area of archaeological potential. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Potential for additional greenhouse gas emissions associated with the proposed use as guests will consume fossil fuels travelling from their points of origin. The property does not appear to be at immediate risk of climate change related hazards.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Islands Trust shoreline mapping does not indicate presence of eelgrass, forage fish or bull kelp in immediate vicinity of subject property.

APPENDIX 4 – PHOTOGRAPHS



Image 3: Property entrance from Storm Crescent



Image 4: West elevation of subject dwelling



Image 5: Proximity of subject dwelling to dwelling on adjacent northeast lot



Image 6: Proximity of subject dwelling to dwelling on adjacent southern lot



Image 7: View of carport and parking area

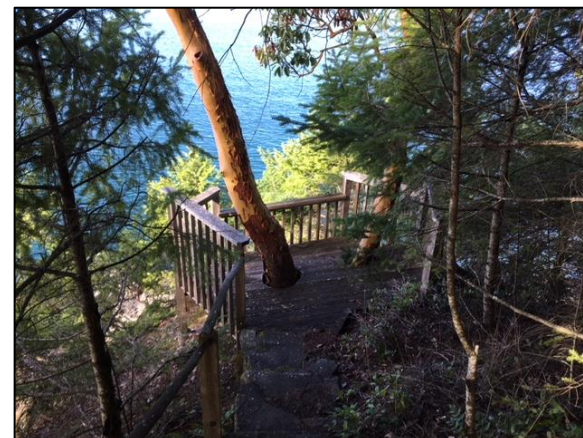


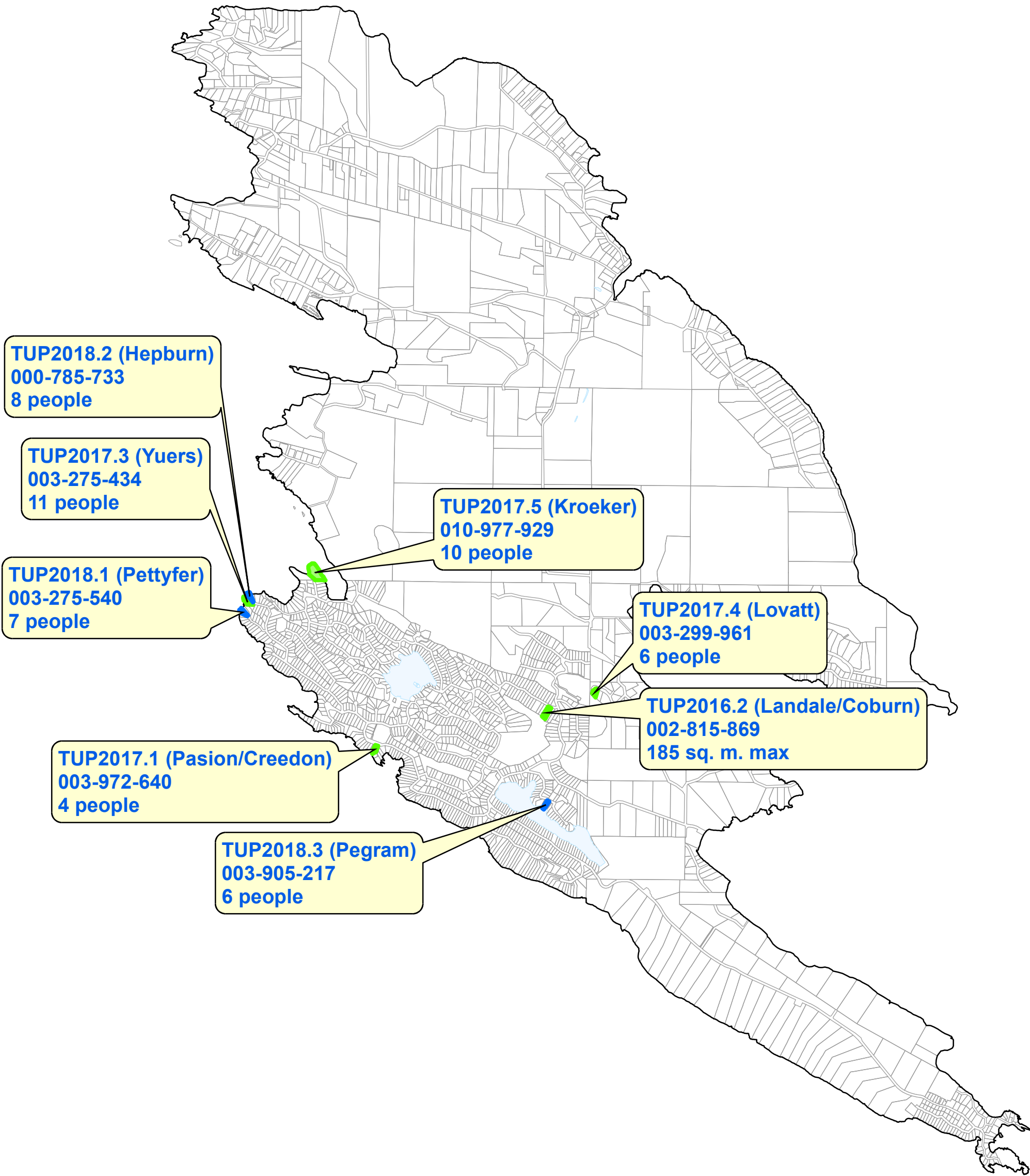
Image 8: Shoreline deck

North Pender Island STVR Temporary Use Permits

Appendix 5

Date: 4/10/2018

 In Process
 Issued



“STORM END”

1601 Storm Crescent, Pender Island, British Columbia

Welcome to “Storm End”! We do hope you have a peaceful time here. Please note the following while you enjoy island-living:

1. **Emergency Contacts** – See attached.
2. **Caretaker** – For urgent issues re. this property: [REDACTED]
3. **Please be quiet** – This is quiet neighbourhood with full-time residents.
4. **Nature** – Please respect the environment – the trees, the sea, the beaches, and all life here.
5. **First Aid** – In box in cupboard marked with red X in bathroom of master bedroom.
6. **Fire Extinguisher** -- In laundry room on wall and by the fireplace.
7. **No smoking** – “Storm End” is a “no-smoking” home. Please ensure there is no smoking within 15 feet of the house and the decks. If you need to smoke, please use the safety ashtrays provided.
8. **Woodstove** -- Do NOT use during summer (chimney sparks cause wild fires).
9. **Slippers** -- Please remove your outdoor footwear and wear slippers indoors.
- 10 **Parking** -- Park all vehicles on the driveway or carport. There is room for 3 cars. Please do NOT park vehicles in the cul-de-sac or on the road.
11. **WIFI** -- Network: [REDACTED]
12. **Hot Water & Heating** – At times, upon arrival there may not be any hot water. If so, please turn on water supply for tank and hot water tank. The HWT is located downstairs thru. storage room opposite bathroom. Water supply is tap with purple ribbon. For hot water tank, turn breakers # 23 & 25. Leave both connecting doors open to allow the slight heat from freezer to circulate
12. **Electricity Conservation** -- Please turn off heat when leaving rooms. And please only use ceiling lights on main floor when needed.
13. **Water Scarcity** – Pender Island has its own water system which is not abundant at times. Please do not run water unnecessarily, when having showers, washing dishes, brushing teeth, flushing toilets etc. Please do not excessively wash clothes in the washer. Please do not wash clothes and have showers simultaneously.
14. **Septic** -- This home uses a septic tank. This means NO meat, coffee grounds, grease, bleach etc. goes down the drains. Please use a “grease jar” or a can for kitchen fat or hot grease. Rule of thumb: *Don't put down the drains or toilet that, which you would not put into your body!*

15. **Toilet Plunger** – Under laundry sink at back of cupboard.

16. **Dishwasher** -- Please rinse dishes before placing in dishwasher. Please don't run tap when rinsing dishes. Fill up the sink first with water, then rinse with the same water. You will be happier with the results. Please use the environmentally-friendly detergents provided. Cycle takes 1 ¾ hrs. Allot time to finish cycle before turning off water at departure.

17. **Appliances** -- Please don't use the microwave at the same time as another appliance like the kettle. Using too many appliances simultaneously can cause a circuit breaker.

18. **Cold Cupboard** – Below kitchen counter on left. Useful space for storing bread, veggies, fruit.

19. **Cutting** -- Please do NOT cut directly on table surfaces including kitchen counters. Instead, please use the cutting boards in the kitchen.

20. **Cable** -- TV in living room.

21. **Furniture** -- Please do NOT move furniture.

22. **Walking** -- Walking on the property is AT YOUR OWN RISK. Our home is on a high bank over the sea. An adult MUST ACCOMPANY ALL CHILDREN UNDER 14. MONITORING CHILDREN IS ESSENTIAL when WALKING NEAR THE BANK EDGES and WHEN USING THE LOOKOUT PLATFORM over the sea.

23. **Neighbours** -- You MUST stay within the boundaries of the property indicated by hedges and natural boundaries between neighbouring properties. It is against the law to trespass on neighbouring properties.

24. **Docks** -- The docks, platforms, and stairs on the adjacent properties to the left and right are on our neighbours' properties. These, like all private property, are strictly OUT-OF-BOUNDS.

25. **Housekeeping** -- We will wash all linens, make fresh beds, clean floors and windows and do all other cleaning for the next guest.

26. **Bottles** -- Take all water and pop bottles to the TruValue grocery store, and liquor bottles and cans to the liquor store. Both are in the Driftwood Mall and will give refunds.

27. **Recyclables** -- Other recyclables can be taken to the Pender Island Recycling Depot at 4402 Otter Bay Rd. on way to the ferry or taken home with you.

28. **Garbage** -- There is no garbage collection. You can drop your garbage at the Beer and wine store en route to the ferry for \$ 5.75 per bag. You will see the sandwich board sign. If you choose to leave your garbage or recyclables, a \$ 20.00 fee per bag will be charged against your damage deposit.

29. **Checking out** -- As a courtesy to the next guests and cleaners, please:

- a) Ensure dishes are washed;
- b) Unload the dishwasher after dishes are clean. If no time, please open the dishwasher so plates can dry;
- c) Hang wet towels -- do not leave on furniture or the floor;
- d) Lift used bed linen and leave in separate piles on the beds;
- e) Unplug kitchen appliances;
- f) Take all garbage away including compost and paper -- see above;
- g) Ensure deck gate closed for the deer; and
- h) Leave main gate on driveway OPEN

30. **Plant Watering** -- Please feel free to water plants on the deck. **It is appreciated.**

Thank you.

Enjoy your "end of the storm"!



Amy Corbin

To: information
Subject: RE: Temporary Use Permit NP-TUP2018.1 (Pettyfer) - 1601 Storm Crescent

From: [REDACTED]
Sent: Friday, March 23, 2018 3:03 PM
To: information
Cc: [REDACTED]
Subject: Temporary Use Permit NP-TUP2018.1 (Pettyfer) - 1601 Storm Crescent

March 23, 2018

Attention: Jason Youmans, Planner, Islands Trust

I am the co-owner of the property located at [REDACTED] homes away for the subject property.

I support the issuance of the temporary use permit for 1601 Storm Crescent, Pender Island subject to the resolution of the following items:

- a. Item 3b - How will the owner/operator arrange to provide me with the contact person's information and a copy of the temporary use permit? Please be specific. Will this be done once per season or at the start of the three year term and/or when any of the details change (i.e. contact person)? ,
- b. Item 3d - Please expand upon the information provided on the ecosystem and its protection by outlining specific actions and recommendations that help to ensure protection,
- c. Item 3f - Camping and occupancy of recreational vehicles are prohibited – specify on the property and on the road right of way,
- d. Item 3g - signage advertising – please do NOT PERMIT any signage for advertising. Advertising is to be done online, in local publications or at commercial centres where bulleting boards are located. This is a residential neighbourhood and not a commercial area. I don't believe that people shop for short term vacation rentals by driving by a property. My concern is for signage pollution and clutter of the natural environment (refer to item 3d. - ecosystem) . In most cases signage is not practical due to existence of trees, shrubs, natural landscaping, fencing etc. If for some reason signage is to be permitted please be specific on: # of signs, where to be located, how many signs, mounting height etc. Is 0.6 square meters the total sign area allowed? Do not permit signage to be placed on the public road ROW, on trees, power poles, fences etc. I am strongly opposed to signage of any kind being permitted.

I look forward to hearing from you regarding how my concerns listed herein will be addressed.

Thank you
Barry Potvin

[REDACTED]
Pender Island
[REDACTED]



From: William Hough [REDACTED]
Sent: Thursday, April 05, 2018 10:51 AM
To: information
Subject: NP-TUP-2018.1 (Pettyfer).

Re: Lot 14, Section 9, Pender Island, Cowichan District, Plan 22335
(PID: 003-275-540).

Attn: Planner Jason Youmans.

Dear Mr. Youmans,

With reference to the above application, our home is [REDACTED]

We would like to advise that while Lot 14 is waterfront, there is no beach access from the property. We have steps which go down part way to the small cove which is located between Lot 15 & Lot 16 but one is required to navigate rocks for complete access.

During the last two years of summer rentals of the Pettyfer home we have had renters enquire if they may use our steps to access the cove.
Consequently we have posted a No Trespassing sign between the two properties.

We suggest and would appreciate that the Welcome/Information Package made available to any tenants of the property Lot 14 emphasize that renters respect the privacy and boundaries of neighbours. Perhaps the package could offer directions to nearby accessible beaches, i.e. Shingle Bay and Thieves Bay Marina.

Thank you for your attention.

William R. Hough
Diana K. Hough
[REDACTED]

Pender Island, B.C.

Sent from my iPad



**NOTICE
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2018.1**

Islands Trust

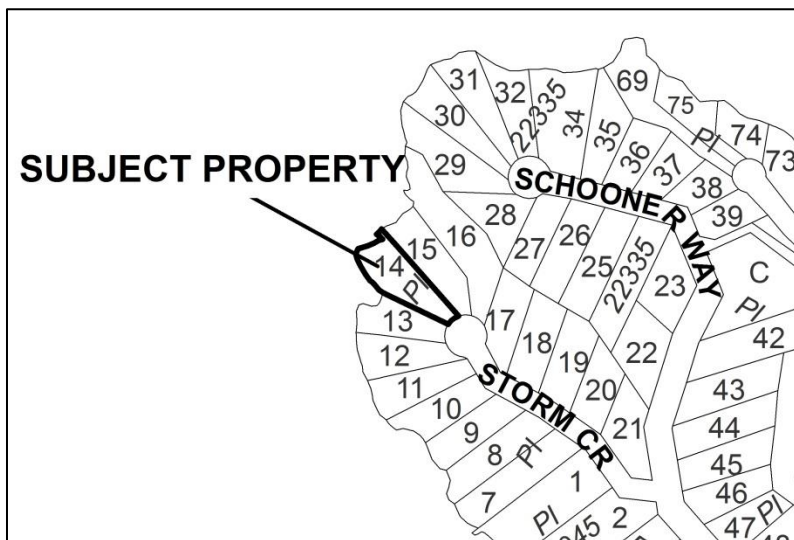
NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot 14, Section 9, Pender Island, Cowichan District, Plan 22335 (PID: 003-275-540). This property is located at 1601 Storm Crescent.

The purpose of this temporary use permit would be to permit:

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

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

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

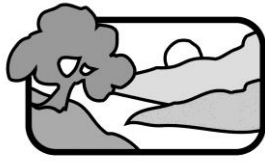


A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **April 13, 2018** and up to and including **April 25, 2018**.

Enquiries or comments should be directed to Planner Jason Youmans at (250) 538-5603, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before 4:30 p.m., **April 25, 2018**. The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10 a.m.**, Thursday, **April 26, 2018**, at the Anglican Church Hall, 4703 Canal Road on North Pender Island.

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

Sharon Lloyd-deRosario, Deputy Secretary



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Galiano Island Local Trust Area **Bylaws No.:** 265 & 266 **Date:** February 20, 2018

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Fred and Isobel Stevens, 303 Betty Ann Drive, Galiano Island, V0N 1P0

PURPOSE OF BYLAW:

The purpose and intent of Proposed Bylaw Nos. 265 and 266 is to make the changes necessary to the Galiano Island Official Community Plan and Land Use Bylaws to allow for the rezoning of a 2.24 ha. (5.5 ac.) portion of DL 37 to Forest Industrial 'A' (FI(A)) from its current Forestry 1 (F1) zoning, to bring the use of the land into compliance with the provisions of the Galiano Island land use bylaw (LUB).

It is the wish of the applicants to address the presence of the owner's residence and excavation business by rezoning a small, 2.24 ha. area of the 65 ha. (160 acre) parent parcel to the FI (A) zone. The area proposed to be zoned is shaped to include the area used for residential uses, a small portion of the quarry area which contains some structures related to the quarry and excavation business activities, and the connecting driveway

The purpose of Proposed Bylaw No. 265 is to re-designate the subject area from 'Forestry' to 'Forest Industry' in order for Proposed Bylaw No. 265 to proceed.

GENERAL LOCATION:

Galiano Island Local Trust Area

LEGAL DESCRIPTION:

District Lot 37, Galiano Island, Cowichan District

SIZE OF PROPERTY AFFECTED:

65 HA.

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

Forestry

OTHER INFORMATION:

Additional information, including the current bylaws, staff reports and background documents is available at:

www.Galiano Island/current-applications/documents/.

See "Current Applications, GL-RZ-2017.1 (Stevens)"

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

(Signature)

Name: Rob Milne

Title: Island Planner

Contact Info: Tel: 250-405-5177

Email: rmilne@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

BC Assessment Authority
Ministry of Municipal Affairs and Housing
Ministry of Transportation & Infrastructure
Ministry of Forests, Lands, Natural Resource Operations
and Rural Development

First Nations

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

Regional Agencies

Capital Regional District – Electoral Area Director
Capital Regional District – Building Inspection
Island Health
North Galiano Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee
Mayne Island Local Trust Committee
Salt Spring Island Local Trust Committee
Thetis Island Local Trust Committee

Non-Agency Referrals

Galiano Island Advisory Planning Commission
Galiano Island Parks and Recreation Commission

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Galiano Island Local Trust Area

(Island)

265 & 266

(Bylaw Number(s))

(Signature)

(Name and Title)

(Date)

(Agency)

DATE OF MEETING: April 26, 2018
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, A/Planner 2
Southern Team
SUBJECT: Development Permit Application

Applicant: Mark and Margret Driscoll
Location: 4849 Buccaneers Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2018.1 (Driscoll)

REPORT SUMMARY

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

The application is to construct additions to a dwelling on Magic Lake. The application is for measures for the protection of the sensitive riparian habitat and construction management for the proposed addition to the dwelling sited within **Development Permit Area (DPA) Ten – Riparian and Aquatic**.

The specific objective of the designation of the DPA is:

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

Copies of the Development Permit Area Checklist and proposed Development Permit NP-DP-2018.1 (Driscoll) are attached. (Attachments 3 & 5)

In summary, the above recommendation is supported as the additions to the residence are modest in size, the objectives and specific guidelines of the DPA have been met, and all recommendations of a Riparian Areas Regulation (RAR) Assessment have been incorporated into the proposed DP

BACKGROUND

The subject property currently has a small 2 bedroom, 2 storey cottage on that was constructed in 1992 (see 'Photos' - Attachment 2.6). The dwelling is approximately 120 m² (1291 ft²) in size with a 35 m² (376 ft² - approx.) cantilevered deck (Figure 2). The owners are proposing to make a 2 storey (150 m² /1600 ft² footprint-approx.) addition to the west side of the existing dwelling and a smaller 16.2 m² (165 ft² - approx.) addition to the east side. This application has been made to establish a buildable area and the applicants are in the process

of having preliminary drawings drawn up. The additions require removal of eight (8) mature trees as specified on the plans.

The property is confined by a very steep topography with a limited buildable area (see Attachment 2.4). The existing dwelling is completely within the designated DPA 10 on the property (see Figure 2).

As DPA 10 is designated on the property, the applicants are required to comply with the DPA guidelines as well as provincial *Riparian Areas Regulations*. Accordingly, the applicant's hired Dan Baxter, R.P.Bio of Caurinus Environmental who prepared and submitted a Riparian Areas Regulation (RAR) Assessment Report ('RAR assessment report,' dated January 15, 2018) to the provincial Ministry of Forests, Lands and Natural Resources Operations (FLNRO). That report was subsequently amended and confirmation that it complied with the RAR methodology was given by FLNRO March 30, 2018. The final report is Attachment 4.

Staff visited the property on April 11, 2018 (see Attachment 2.6).

Figure 1 – Subject Property

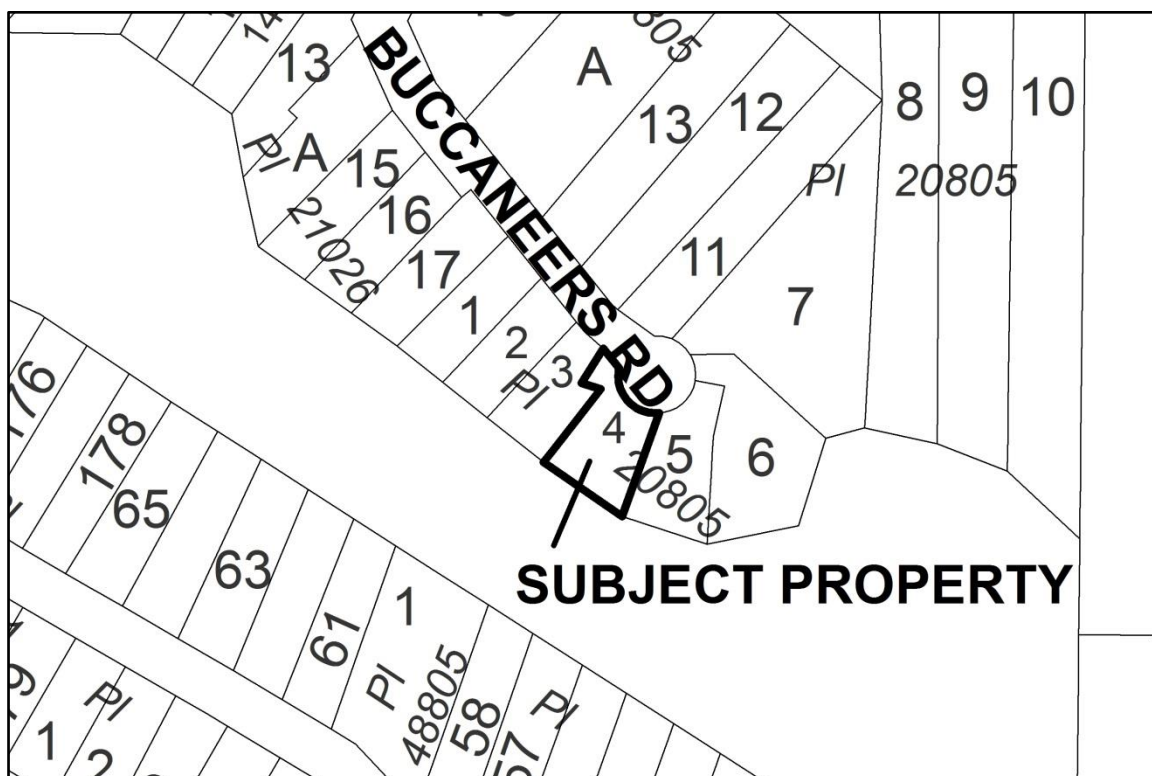
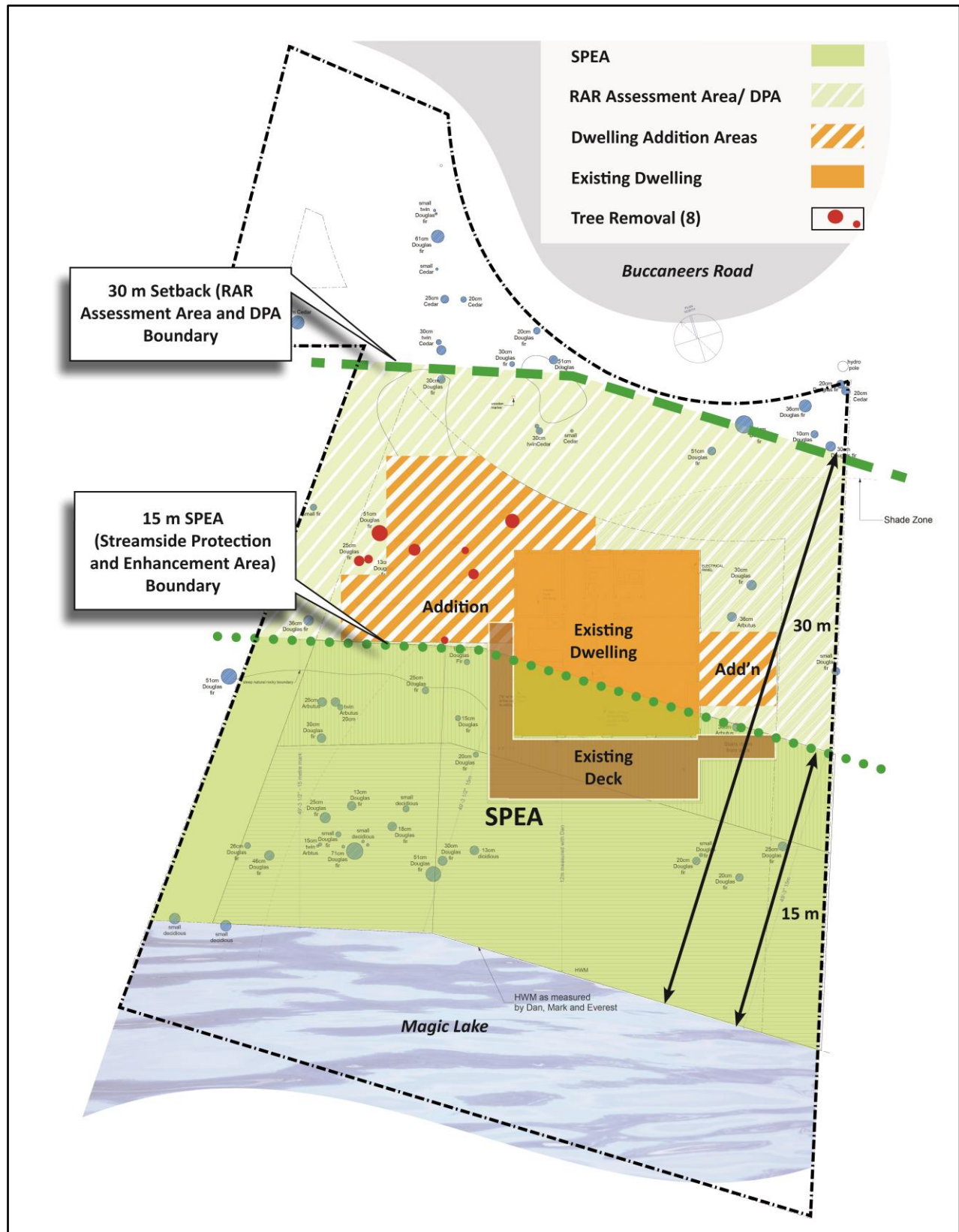


Figure 2 – Site Plan



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

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

Official Community Plan:

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

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

A completed Development Permit Area Checklist is Attachment 3. In summary, the application complies with the guidelines.

Land Use Bylaw:

The property is zoned as **Rural Residential (RR)** and **Water 6 (W6)** in the North Pender Island Land Use Bylaw No. 103, 1996 (Attachment 2.4). The siting (buildable area) of the proposed additions meet the setback requirements of the LUB.

Issues and Opportunities

Development Permit Area Objectives & Guidelines and Objectives:

The proposal is compliant with the overall objective of the DPA *“to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fishlife processes.”*

Analysis of the proposal’s conformity with the guidelines of the DPA is contained within **‘DAI Checklist’** (Attachment 3).

Scope of Development

The proposed development is a 2 storey (166.2 m² /1765 ft² footprint- approximate) addition to an existing dwelling located within the DPA. The property has a very limited buildable area outside of the DPA and a highly limiting topography south of the existing dwelling. The development is reasonable in size and its location (s) does not impact the SPEA.

RAR Assessment Report

As a requirement of provincial *Riparian Areas Regulations*, the RAR Assessment Report and a subsequent updated report was prepared and submitted to FLNRO by Dan Baxter, R.P.Bio. (Caurinus Environmental – Attachment 4).

The assessment report undertook a detailed site inventory and documented the habitat conditions for Flora, Birds, Mammals, and Amphibians and Reptiles. No rare species, species at risk or hibernacula were found on the property (pp.4-6). The report establishes three zones of sensitivity (ZOS) based on three riparian functions: Leaf Litter; Inputs of Large Woody Debris and Shading to control water temperature (pp. 8 & 9).

The RAR assessment report established the Streamside Protection and Enhancement Area (SPEA) on the property and measures for protection and enhancement of that area. This was assigned at 15 m perpendicular from the high water mark of the lake (Figure 2 and Attachment 4).

The proposed dwelling additions are outside of the SPEA. There are a limited number of trees (8) that are required to be removed (in the DPA, but outside of SPEA) to facilitate the addition on the west side of the dwelling. The balance of the SPEA outside of the existing building footprint is to remain in an undisturbed, natural state.

The report prescribes measures for the protection of the area are recommended under *Tree Protection, Construction Management, Sediment and Erosion Control, Stormwater Management, Delineation of SPEA and Monitoring*. All of the recommendations of the RAR assessment report have been incorporated into the proposed DP.

Adherence to the conditions of the DP and monitoring will mitigate impacts from the proposed development to the riparian areas within the SPEA and benefit of the property as a whole. The report concluded the following:

The proposed expansion of the current single-family home within this ecosystem will have little or no impact on the overall health and sustainability of this sensitive area. The removal of 8(amended from 6) trees within a currently developed and disturbed area of the 30 m Riparian and Aquatic DPA will have no cumulative negative effects. Although these trees are to be removed, the majority of the trees in this area are to be retained, including two large mature Douglas-fir (81, 51 cm) within the SPEA. These trees have value as a source of seed for future regeneration, and there is sufficient ecological redundancy throughout the property in the form of other mature trees to maintain the SPEA zone's slope stability, erosion concerns and drainage considerations. The property owner is open to landscaping and restoring the disturbed and natural areas within the property. The property owner will be expanding the on-site home with the intention of causing as little impact to the habitat as possible. The removal of any tree from the property will be minimized, so as to not alter the ecological function of the area. The current house and planned expansion are situated on a steep natural rocky boundary which gives protection from runoff and erosion to the riparian edge. The planned minimal excavation to level the ground will have no effect on the hydrology of the property as it is composed of conglomerate rock and coarse-textured and well-drained soil. (pp.9 &10)

Consultation

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

Rationale for Recommendation

Based on the conclusions and recommendations of the RAR assessment report that complies with the DPA guidelines, staff is recommending that the LTC approve issuance of Development Permit NP-DP-2018.1 (Driscoll) as per the resolution on Page 1.

ALTERNATIVES

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Deny the application

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

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DP-2018.1 (Driscoll) as Guideline _____ of the North Pender Island Official Community Plan Bylaw No. 171, 2007 as not been met.

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Phil Testemale, A./Planner 2	April 16, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	April 17, 2018

ATTACHMENTS

1. Site Context
2. Maps & Photographs
3. DPA Checklist
4. Riparian Areas Regulation (RAR) Assessment Report (Caurinus Environmental, January 15, 2018 – updated March 29, 2018)
5. Development Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 4, Section 8, Pender Island, Cowichan District, Plan 20805
PID	003-597-873
Civic Address	4849 Buccaneers Road
Property Size	0.14 ha (0.34 ac)

LAND USE

Current Land Use	Rural residential
Surrounding Land Use	Rural residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-BP-2015.5 (Driscoll)	Enclosure of a portion of the ground floor

POLICY/REGULATORY

Official Community Plan Designations	North Pender Island Official Community Plan No.171, 2007: • RR – Rural Residential designation and • Development Permit Area 10 – Riparian and Aquatic Habitat.
Land Use Bylaw	North Pender Island Land Use Bylaw No. 103, 1996: Rural Residential (RR) and Water 6 (W6) over Lake portion.
Other Regulations	N/A
Covenants	None
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Fund	The proposal has no implications for the Island Trust Fund.
Regional Conservation Strategy	The proposal has no implications for the Regional Conservation Strategy.
Species at Risk	None identified through Riparian Area Regulations (RAR) Assessment Report (Biologist's report).
Sensitive Ecosystems	The RAR Assessment Report (Biologist's report) assesses habitat values and provides recommendations for mitigation of impacts from the proposal all of which are conditions in draft NP-DP-2018.1 (Driscoll – Attachment 5)
Hazard Areas	Areas of moderate slope hazard on south portion of property (Attachment 2.4)
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the

U:\LOCAL TRUST COMMITTEES\North Pender\Applications\DP 3160\2018\NP-DP-2018.1 (Driscoll)\Staff reports\Attachments\A 1 Site Context.docx

	<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	The proposal is for establishing SPEA will help offset greenhouse gas emissions. The elevation of the property and inland location minimizes potential impacts of climate change.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

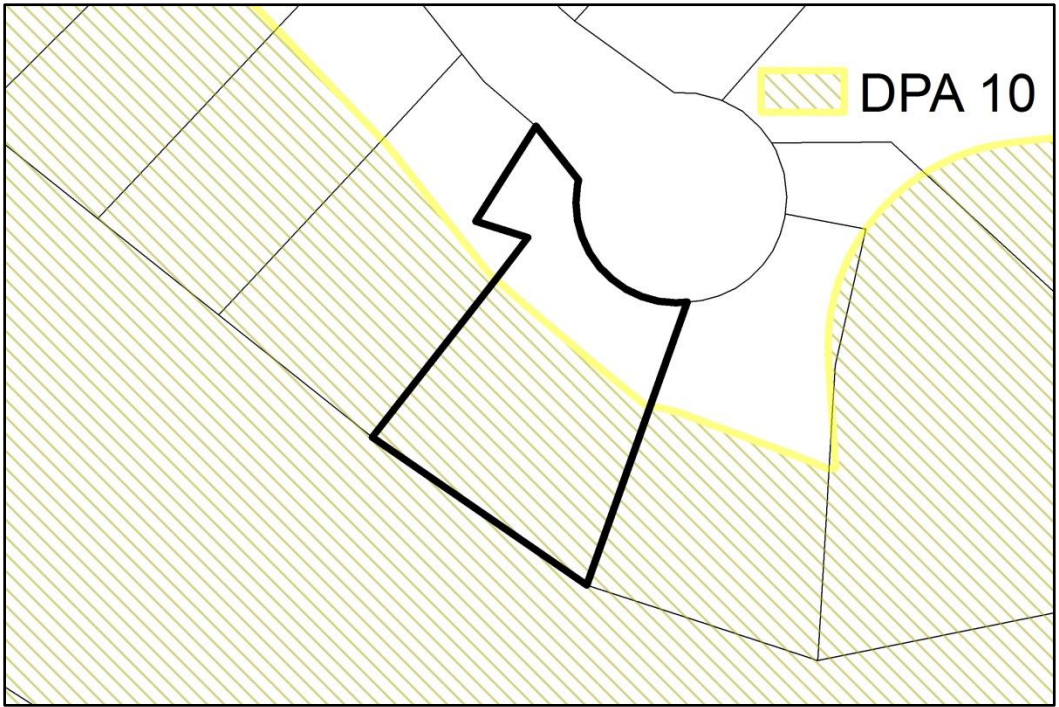
2.1 ORTHOPHOTO



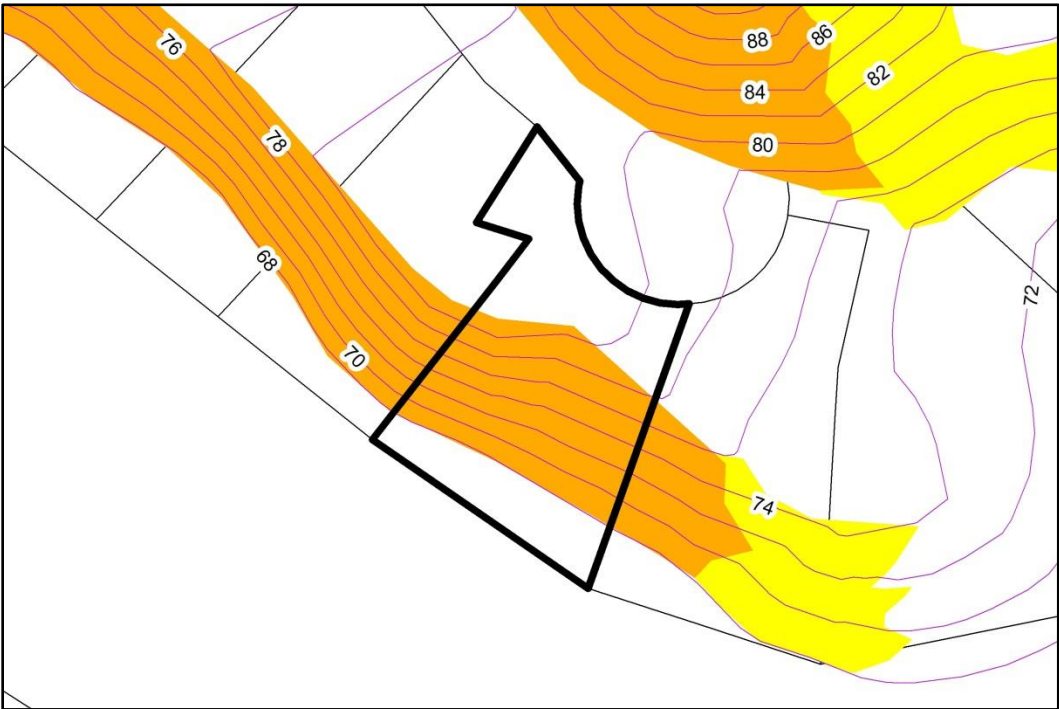
2.2 ZONING



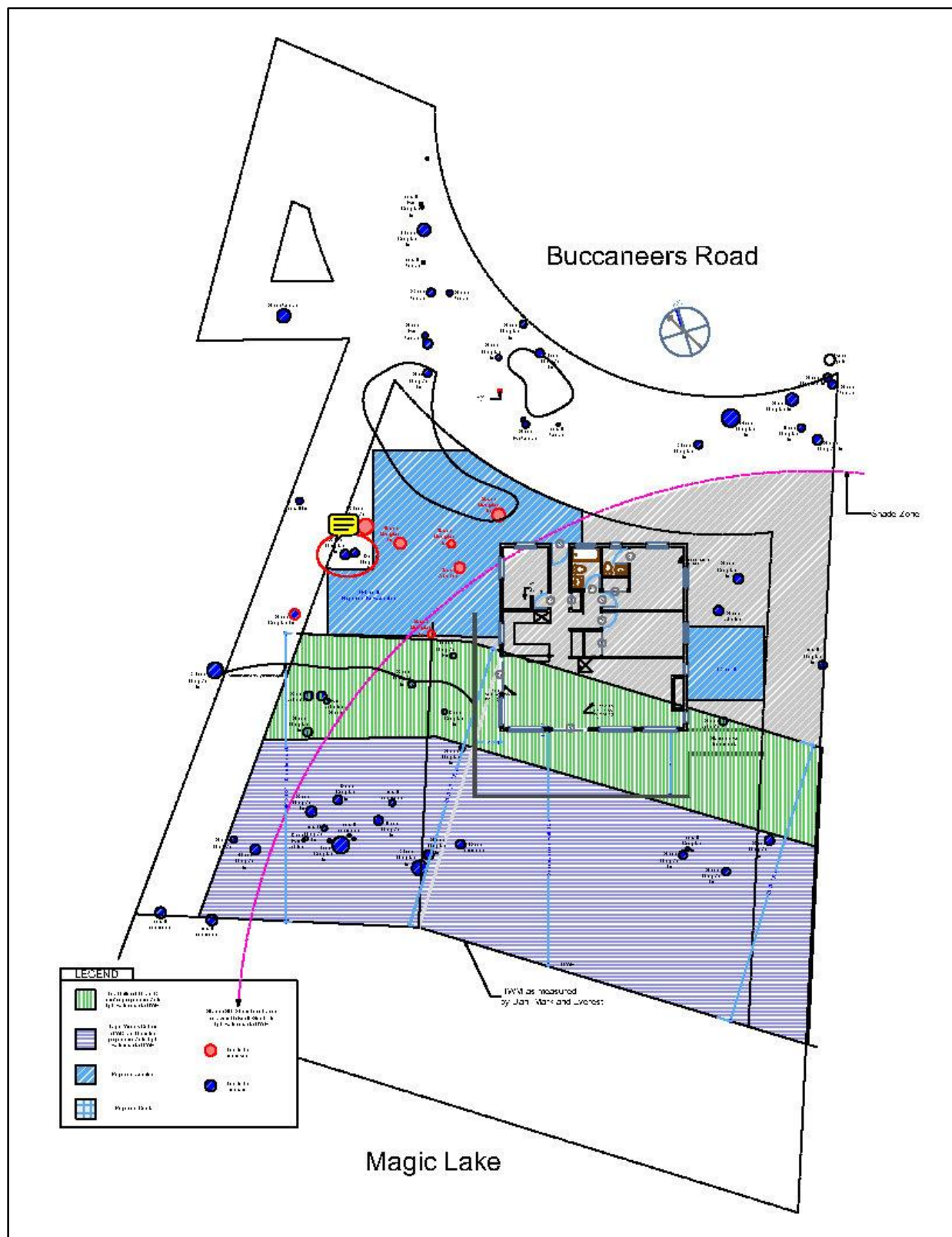
2.3 DPA Ten



2.4 STEEP SLOPE HAZARD & CONTOURS



2.5 BIOLOGIST'S MAP



2.6 PHOTOGRAPHS

One: Rear of Existing Dwelling (Looking South)



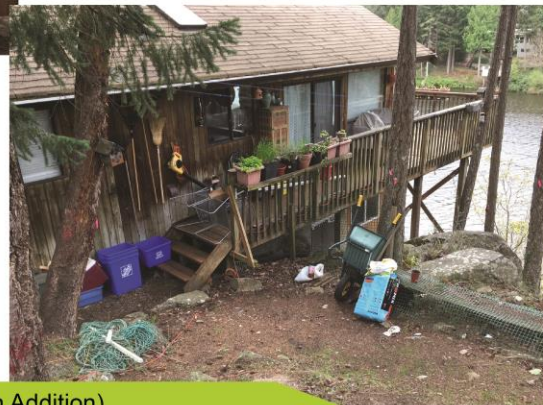
Two: Rear of Existing Dwelling



Three: East Side of Existing Dwelling



Four: West Side of Existing Dwelling (Area of Main Addition)



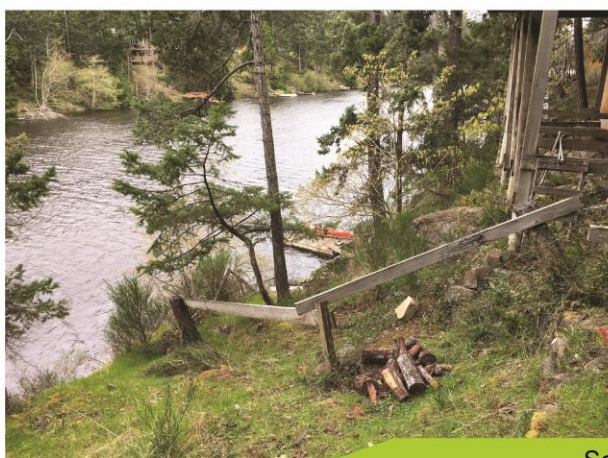
2.6 PHOTOGRAPHS (CONTINUED)



Five: SPEA (Looking East)



Six: SPEA (Looking Southwest)



Seven: SPEA (Looking South)

ATTACHMENT 3 – DEVELOPMENT PERMIT AREA 10 CHECKLIST

Guidelines	Comments
1. In general, all development in this DPA should be undertaken in a manner that minimizes impacts on the riparian area and on aquatic ecosystems, including from the application of pesticides and other chemicals for non-essential cosmetic purposes. Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and aquatic ecosystems, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and aquatic ecosystems, consistent with the measures and recommendations described in the report.	<i>Riparian Areas Regulations</i> (RAR) Assessment Report was prepared by Dan Baxter, R.P.Bio of Caurinus Environmental and submitted to the province January 15, 2018). The provincial Ministry of Forests, Lands and Natural Resources Operations (FLNRO) confirmed that it complied with the RAR methodology on March 30, 2018. Conditions based on recommended measures in RAR Assessment Report have been placed in draft DP for <i>Tree Protection, Construction Management, Sediment, Erosion Control, Stormwater Management, Delineation of the SPEA and Monitoring</i>.
2. The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP, and the owner should be required to implement a plan for protecting the SPEA over the long term through measures that may be implemented as conditions of the development permit.	Complies – additions to dwelling are outside of SPEAs.
3. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.	All conditions in draft DP.
4. The following guidelines are applicable to floats and associated structures within the development permit area:	N/A

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

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Regulation: Assessment Report

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

Date **March 29, 2018****I. Primary QEP Information**

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

II. Secondary QEP Information (use Form 2 for other QEPs)

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

III. Developer Information

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

IV. Development Information

Development Type	Rural Residential		
Area of Development (ha)	0.01	Riparian Length (m)	23
Lot Area (ha)	0.14	Nature of Development	Redevelopment
Proposed Start Date	September 2016	Proposed End Date	December 2016

V. Location of Proposed Development

Street Address (or nearest town)	4849 Buccaneers Road		
Local Government	Islands Trust	City	Pender Island
Stream Name	Magic Lake		
Legal Description (PID)	003-597-873	Region	Vancouver Island
Stream/River Type	Lake	DFO Area	South Coast Area
Watershed Code	925-258000-88400		
Latitude	48°	45'	40" N
Longitude	123°	17'	11" W

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

Table of Contents for Assessment Report

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

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

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

In January 2018, Caurinus Environmental was contracted by Mark Driscoll to complete an environmental inventory and impact assessment for the expansion of the primary residence on the northwest and southeast sides of the house within the designated riparian and aquatic ecosystem located on Pender Island at 4849 Buccaneers Road (Figure 1). The purpose of this report is to provide a complete environmental inventory, impact assessment and strategies with other disciplines to guide the proposed development in an environmentally responsible manner.

The subject property fronts Magic Lake located on the western boundary. Magic Lake is a man-made lake formed by raising the water level with earthen dams to provide drinking water to residents; these levels are managed from May 1 to September 30 annually. Magic Lake (watershed code 925-258000-88400; waterbody identifier 00052; FISS 2018) is located on North Pender Island, British Columbia and receives an average annual precipitation of 850 mm (Weather Network 2018). Magic Lake has a maximum depth of 4.3 m with a perimeter of 2.7 km and a surface area of 15 hectares (ha) at an elevation of approximately 70 meters (Atlas of Canada 2018). Rainbow trout (*Oncorhynchus mykiss*) are present in Magic Lake and were last re-stocked in 2006 (Fishwizard 2018). This species prefers cooler water temperatures with adequate shallows, as well as large woody debris and vegetation for foraging opportunities and cover. Rainbow trout primarily feed on insects such as midges, mayfly, dragonfly, damselfly and leeches (British Columbia 1998).

The subject area consists of a generally level slope beginning near Buccaneers Road, up to a natural rocky boundary edge which slopes downward towards Magic Lake on the southwestern side of the property. The purposed area is currently zoned RR2 (Rural Residential) and is surrounded by RR2 zones to the northwest, southeast, and Magic (Pender) Lake to the southwest. The subject property is accessed on Buccaneers Road in the Magic Lake area (Figure 2). The property begins at the northeast corner, and continues in a southwest direction towards Magic Lake. The subject property is accessed on Buccaneers Road in the Magic Lake area (Figure 2). The property begins at the northeast corner, and continues in a southwest direction towards Magic Lake. The proposed home site has been previously disturbed by historic land use and is composed of

an open regenerating forest with a modified rock conglomerate present near the edge of a rocky incline that faces Magic.

Water flows into Magic Lake through a number of drainages and culverts with the main source being Danny Martin Creek. The creek's source begins near the Disc Park and connects to Magic Lake through Danny Martin Ball Park. Riparian vegetation along the creek is limited with manicured lawns with thin strips of red alder and blackberry.

Fisheries

Rainbow trout (*Oncorhynchus mykiss*) are present in Magic Lake and were last re-stocked in 2006 (Fishwizard 2018). This species prefers cooler water temperatures with adequate shallows, as well as large woody debris and vegetation for foraging opportunities and cover. Rainbow trout primarily feed on insects such as midges, mayfly, dragonfly, damselfly and leeches (British Columbia 1998).

Flora

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

- 4164: 70% Douglas-Fir-Salal, Young Forest; 30% Douglas-fir-Shore Pine-Arbutus, Young Forest
- 3270: 100% Douglas-Fir-Salal, Rural Residential
- 3026: 100% Douglas-Fir-Salal
- The Riparian and Aquatic DPA: 2622: 100% Douglas-Fir-Salal, Riparian

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

CDFmm: Coastal Douglas-fir Zone, Moist Maritime

- **CDFmm DS/01: Douglas-fir – Salal**

Forested site dominated by Douglas-fir with association with grand fir (*Abies grandis*) and western red cedar. Typical site conditions for zonal DS forests are mid- to upper slope positions and gentle topography. Soils are most often moderately-well to well drained and medium-textured loamy soils. Understory species can include snowberry and birch-leaved spirea (*Spiraea betulifolia*), salal, dull Oregon-grape, ocean-spray (*Holodiscus discolor*), sword fern and Oregon beaked moss (*Eurhynchium oreganum*).

- **CDFmm DA/02: Douglas-fir – Shore pine – Arbutus**

Forested ecosystems are dominated by Douglas-fir and arbutus (*Arbutus menziesii*) with shore pine (*Pinus contorta contorta*) occurring on the driest and poorest sites. In areas with rock outcrops and/or small islands, Garry oak (*Quercus garryana*) can also occur. Forest canopies are discontinuous with large gaps, due to rock outcrops and pockets of shallow soil. Typically found on drier, poorer sites including crests, upper slopes, and warm aspects. Soils are shallow, mostly medium-textured ranging from fine sand to silty loam and have a very dry moisture regime with a very poor to medium soil nutrient regime. Some have a thin soil deposited by glacial meltwater or till origin overlying bedrock. Drainage ranges from very rapid to well. The shrub layer is diverse drought-tolerant shrubs such as hairy honeysuckle, nootka rose (*Rosa nutkana*), tall Oregon grape (*Mahonia aquifolium*), oceanspray (*Holodiscus discolor*), salal, with saskatoon (*Amelanchier alnifolia*) being present in minor amounts. The herb layer usually includes Columbia brome (*Bromus vulgaris*), purple peavine (*Lathyrus nevadensis*), orange honeysuckle (*Lonicera ciliosa*), broad-leaved starflower (*Trientalis latifolia*), white fawn lily (*Erythronium oreganum*), Pacific sanicle (*Sanicula crassicaulis*), and trailing blackberry (*Rubus ursinus*).

Site Inventory Description:

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

The area of the property that falls within the dominant polygon of Douglas-fir – Salal classification has a cooler aspect than is typical. In the riparian, the dominant vegetation consists of young to mature Douglas-fir, arbutus, alder (*Alnus sp.*) and salal with a variety of native and non-native grasses along the rocky/boulder shore. Plant species present include the invasive species: scotch broom (*Cytisus scoparius*), as well as native species including dull Oregon-grape, salal, hairy honeysuckle (*Lonicera hispidula*), ocean-spray, Oregon beaked moss, slough sedge (*Carex obnupta*), rattlesnake plantain (*Goodyera pubescens*), trailing blackberry (*Rubus ursinus*), large-leaved avens (*Geum macrophyllum*), deer fern (*Blechnum spicant*) and sword fern. To enable construction of the dwelling, a maximum of 6 trees with diameter at breast height (DBH) ranging from 15.3 – 46.2 ($\bar{x}$ = 27.5 cm) are designated to be removed. No species from Table 1 were detected. However, the timing of our investigation (mid-winter) would not preclude the potential occurrence of rare species at some other point during the growing season (this would apply to all plant species). Given the prior disturbance to the area, however, it is unlikely such species would be found on site.

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

Birds

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

Table 3. List of bird species detected or observed at 4849 Buccaneers Road (Pender Island, BC).

Common Name	Genus Species
Terrestrial	
Anna's Hummingbird	<i>Calypte anna</i>
Nothorn flicker	<i>Colaptes auratus</i>
Chestnut-backed Chickadee	<i>Poecile rufescens</i>
Golden-crowned kinglet	<i>Regulus satrapa</i>
Aquatic	
Double-crested cormorant	<i>Phalacrocorax auritus</i>

Mammals

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

- Black-tailed deer (*Odocoileus hemionus columbianus*) pellets

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

Amphibians and Reptiles

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

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Section 2. Results of Riparian Assessment (SPEA width)

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

Refer to Chapter 3 of Assessment Methodology

Date: Jan 15, 2018

Description of Water bodies involved (number, type)

Magic Lake

Stream	
Wetland	
Lake	X
Ditch	
Number of reaches	
Reach #	

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

	Channel Width(m)	Gradient (%)
starting point upstream		
downstream		
Total: minus high /low mean		
Channel Type	R/P	C/P S/P

I, Daniel Baxter (*name of qualified environmental professional*), hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Mark Driscoll (*name of developer*);

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Site Potential Vegetation Type (SPVT)

	Yes	No
SPVT Polygons		X

Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Daniel Baxter (*name of qualified environmental professional*), hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Mark Driscoll (*name of developer*);

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No:	LC	SH	TR
SPVT Type			X

Method employed if other than TR

Polygon No:	LC	SH	TR
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Method employed if other than TR

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

SPVT Type				
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Polygon No:				Method employed if other than TR
SPVT Type				

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)		15					
Litter fall and insect drop ZOS (m)		10					
Shade ZOS (m) max		30	South bank	Yes		No	X
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report		
SPEA maximum	15	(For ditch use table3-7)					
See Below							

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

Comments

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

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

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

Measures, or distances, for the Zones of Sensitivities (ZOS) are determined for each of

the three categories. The SPEA is determined using the maximum of the three ZOS, with potential for additional measures.

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

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

- Leaf Litter (LH) as 15 m perpendicular to HWM
- Large Woody Debris (LWD) as 10 m perpendicular to HWM
- Shade (SH) 30 m based on azimuth (north-south) to HWM

The SPEA width for the subject property is determined by the larger ZOS and would be set at 15 m under the RAR as the minimum allowable with the Leaf Litter and Large Woody Debris. Although the Shade ZOS is 30 m when due south of the HWM, in this case it is perpendicular to the HWM (Figure 4); hence, the Shade ZOS would not be the largest of the ZOS from the HWM. Furthermore, there is a steep natural rocky boundary that runs parallel to the lake's edge and forms a natural buffer which gives protection from runoff and erosion to the riparian edge. Based on the above ZOS, and with an adjustment due to topographic or previous development constraints, we therefore assessed the SPEA setback for Magic Lake at 4849 Buccaneers Road to be 15 m.

Magic Lake is applicable to the RAR process due to the lake being documented under Fisheries Information Summary System (FISS; 2018) and has confirmed fish presence. Riparian vegetation around Magic Lake is very limited as it is surrounded by residential developments with houses and landscaping present up to the water's edge. Although the current and expanded dwelling will lie within the pre-designated 30 m buffer, the calculated SPEA width with an adjustment due to topographic or previous development constraints of 12 m is appropriate to maintain the structure and integrity of the riparian area.

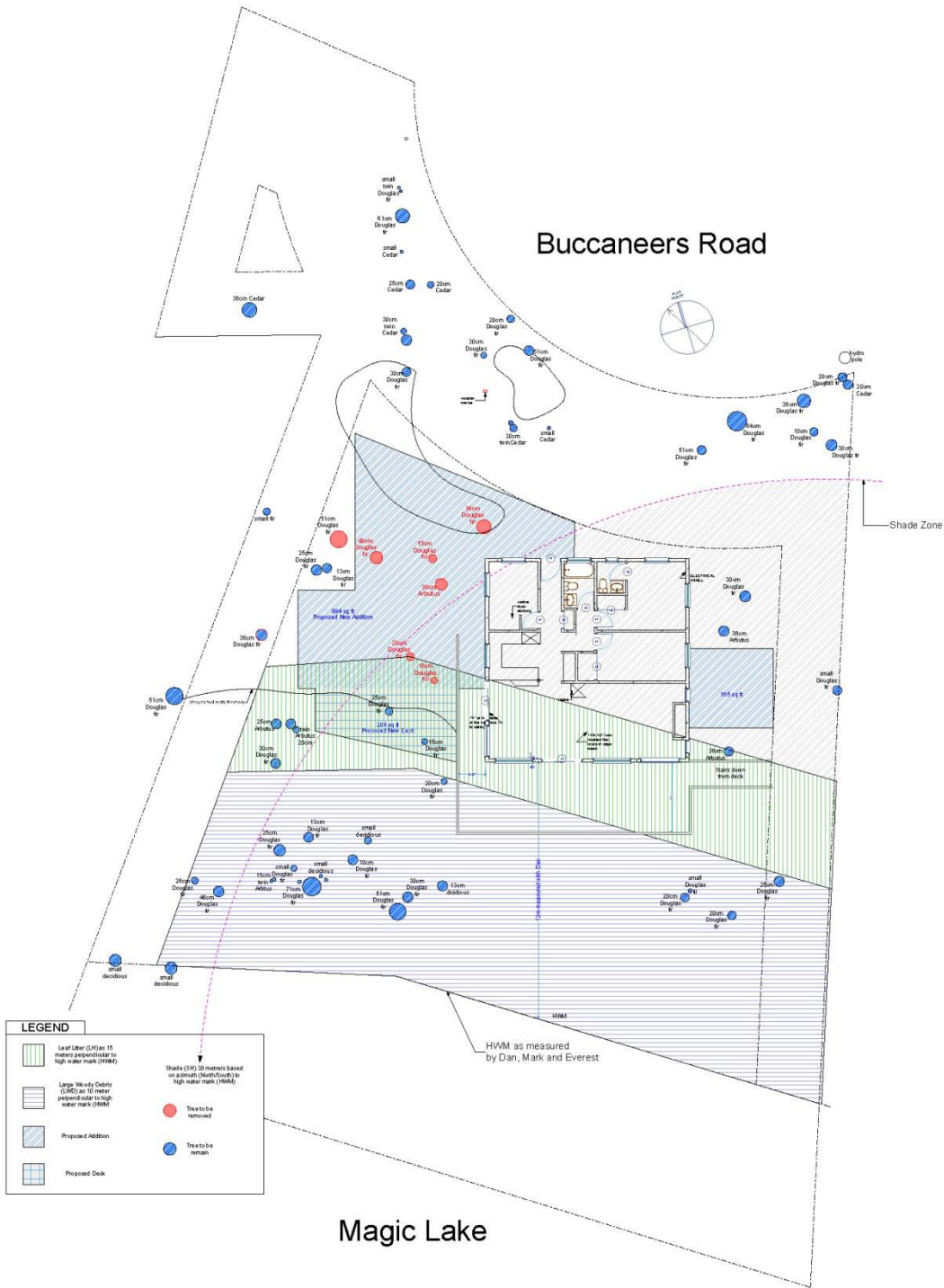
Riparian and Aquatic DPA - The proposed expansion of the current single-family home within this ecosystem will have little or no impact on the overall health and sustainability of this sensitive area. The removal of 6 trees within a currently developed and disturbed area of the 30 m Riparian and Aquatic DPA will have no cumulative negative effects. Although these trees are to be removed, the majority of the trees in this area are to be retained, including two large mature Douglas-fir (81, 51 cm) within the SPEA. These trees have value as a source of seed for future regeneration, and there is sufficient ecological redundancy throughout the property in the form of other mature trees to

maintain the SPEA zone's slope stability, erosion concerns and drainage considerations. The property owner is open to landscaping and restoring the disturbed and natural areas within the property. The property owner will be expanding the on-site home with the intention of causing as little impact to the habitat as possible. The removal of any tree from the property will be minimized, so as to not alter the ecological function of the area. The current house and planned expansion are situated on a steep natural rocky boundary which gives protection from runoff and erosion to the riparian edge. The planned minimal excavation to level the ground will have no effect on the hydrology of the property as it is composed of conglomerate rock and coarse-textured and well-drained soil.

Section 3. Site Plan

Insert jpg file below

Site Plan



FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Section 4. Measures to Protect and Maintain the SPEA

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

1. Danger Trees	No obvious danger trees noted
I, <u>Daniel Baxter</u> (<i>name of qualified environmental professional</i>), hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Mark Driscoll</u> (<i>name of developer</i>); g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	No windthrow trees noted
I, <u>Daniel Baxter</u> (<i>name of qualified environmental professional</i>), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Mark Driscoll</u> (<i>name of developer</i>); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
3. Slope Stability	The site has low slope with no signs of instability or risk.
I, <u>Daniel Baxter</u> (<i>name of qualified environmental professional</i>), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Mark Driscoll</u> (<i>name of developer</i>); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
4. Protection of Trees	Any trees within the 12 m SPEA will be retained, as the home owners have committed to preserving the character of the property
I, <u>Daniel Baxter</u> (<i>name of qualified environmental professional</i>), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Mark Driscoll</u> (<i>name of developer</i>); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
5. Encroachment	No encroachment
I, <u>Daniel Baxter</u> (<i>name of qualified environmental professional</i>), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Mark Driscoll</u> (<i>name of developer</i>); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
6. Sediment and Erosion Control	Although there are no erosion concerns; When development begins, BMPs such as silt fencing and tarping of exposed soils will be utilized to manage any potential sediment migration
I, <u>Daniel Baxter</u> (<i>name of qualified environmental professional</i>), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;	

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

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

Section 5. Environmental Monitoring

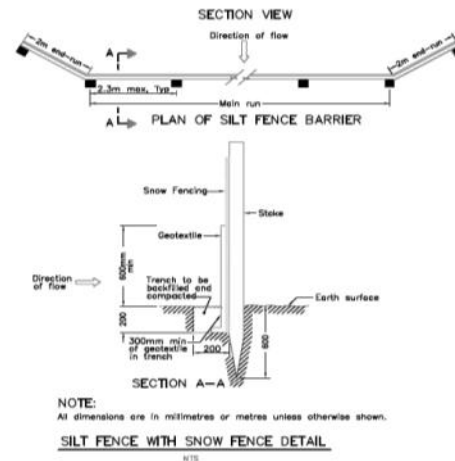
Attach text or document files explaining the monitoring regimen Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications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

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

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

EROSION AND SEDIMENTATION

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



sediment in natural areas.

2. Temporary fencing shall be accompanied with silt fencing and erosion control measures.
3. No storage of building materials in the riparian setback area.
4. The removal of invasive species (Scotch broom, spurge-laurel) is recommended throughout the entire property to prevent their continued spread and improve the quality of natural areas.
5. The steep natural rocky boundary protects the riparian edge and gives protection from runoff and erosion and should be left in its natural state. No work or equipment should cross this boundary.
6. Landscaping and restoration of natural areas should be conducted using only native plant species.

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

A recommended follow-up visit may be necessary once riparian fencing is established and when renovation of the dwelling is complete. This would enable an environmental monitor to assess the effectiveness of the fencing and proposed mitigation procedures. A restoration plan is not needed at this time, as the property owner has committed to having as minimal environmental impact as possible.

Section 6. Photos

Currently there is an existing dwelling on the property that crosses into the current default 30 m Riparian Zone. The property is composed of an open regenerating forest with a modified rock conglomerate present. (Plate 1) and from the front edge of the house there is a rocky incline that continues until reaching Magic Lake (Plate 2). The current house lies approximately 16 m from the property line at Magic Lake (Plate 3). The riparian area consists of an open treed area, with salal, sword fern, moss-covered rocks, scotch broom and small boulders. (Plate 4).



Plate 1. View of the open regenerating forest located on the property, looking southwest.



Plate 2. View of rocky incline from above, looking southwest.



Plate 3. View of edge of house at the 16 m mark from the shore, looking west.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Plate 4. Near shore riparian section.

Section 7. Professional Opinion

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

Date Feb 5, 2018

1. I/We Daniel Baxter_RPBio

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

hereby certify that:

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

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

- a) ☐ if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

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

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

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

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

Forms you will need to complete are

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

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

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

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

Tips for working with MS Word Template Forms

Using the forms

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

Saving the completed form

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



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2018.1

To: Mark & Margaret Driscoll

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

Lot 4, Section 8, Pender Island, Cowichan District, Plan 20805
PID: 003-597-873

2. This Development Permit NP-DP-2018.1 authorizes the construction of an addition to a dwelling within Development Permit Area ("DPA") 10 – Riparian and Aquatic Development Permit Area, subject to the following requirements and conditions:

Tree Protection

- a. All trees shall be retained and native plant species shall remain undisturbed within the Streamside Protection and Enhancement Areas (SPEAs) delineated on Schedule 'A' & 'B', attached to and forming part of this permit.
- b. Any dead trees ("snags") shall be left in the SPEA to provide habitat.
- c. The removal of eight (8) trees in the DPA as indicated on Schedule 'A' & 'B',
- d. Required tree removal for the construction of the addition to the dwelling shall not be undertaken during the annual peak bird breeding season between April 1st and July 31st
- e. The area of the SPEA is to be left undisturbed in its natural state.
- f. The removal of invasive plant species (i.e. Scotch broom and spurge-laurel) on the subject property is encouraged.
- g. Landscaping and restoration of natural areas should use native plant species only.

Construction Management

- h. All contractors and construction personnel are to be notified of the SPEA location and the conditions of this Development Permit.
- i. Prior to commencing construction, the SPEA Boundary, exclusive of the existing building footprint within the SPEA, and for the width of the property shall be delineated with temporary fencing in accordance with Schedule 'C', attached to and forming part of this permit.
- j. There must be no encroachment into the SPEA with construction works, equipment or machinery.
- k. There must be no storage of building materials in the SPEA.
- l. There must be no deposition into the SPEA of any materials from the construction process such as rock, soil or vegetation.
- m. Prior to arrival, hired contractors should wash and inspect all vehicles and equipment to ensure invasive plant seeds are not transported onto the subject property.

- n. Prior to leaving, hired contractors should inspect all vehicles and equipment to ensure invasive plant seeds are not transported off of the subject property.
- o. Hired contractors are to exercise great care when transporting and operation equipment in order to not damage any existing trees.
- p. A spill control kit shall remain on site for the entire construction period.

Sediment and Erosion Control

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

Stormwater Management

- r. During construction and when construction is completed, all storm water drainage and rain water collection from the dwelling must be directed away from the SPEA toward Buccaneers Road.

Delineation of the SPEA

- s. The SPEA is established 15 metres from the natural boundary of Magic Lake. The steep natural rocky boundary at 12 metres protects the SPEA from runoff and erosion.

Monitoring

- t. The monitoring QEP shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.
3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 4. This Permit does not remove any obligation on the Permittee to obtain other approvals or obligations necessary for the lawful completion of the proposed development.
 5. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 6. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw unless varied by this Permit.

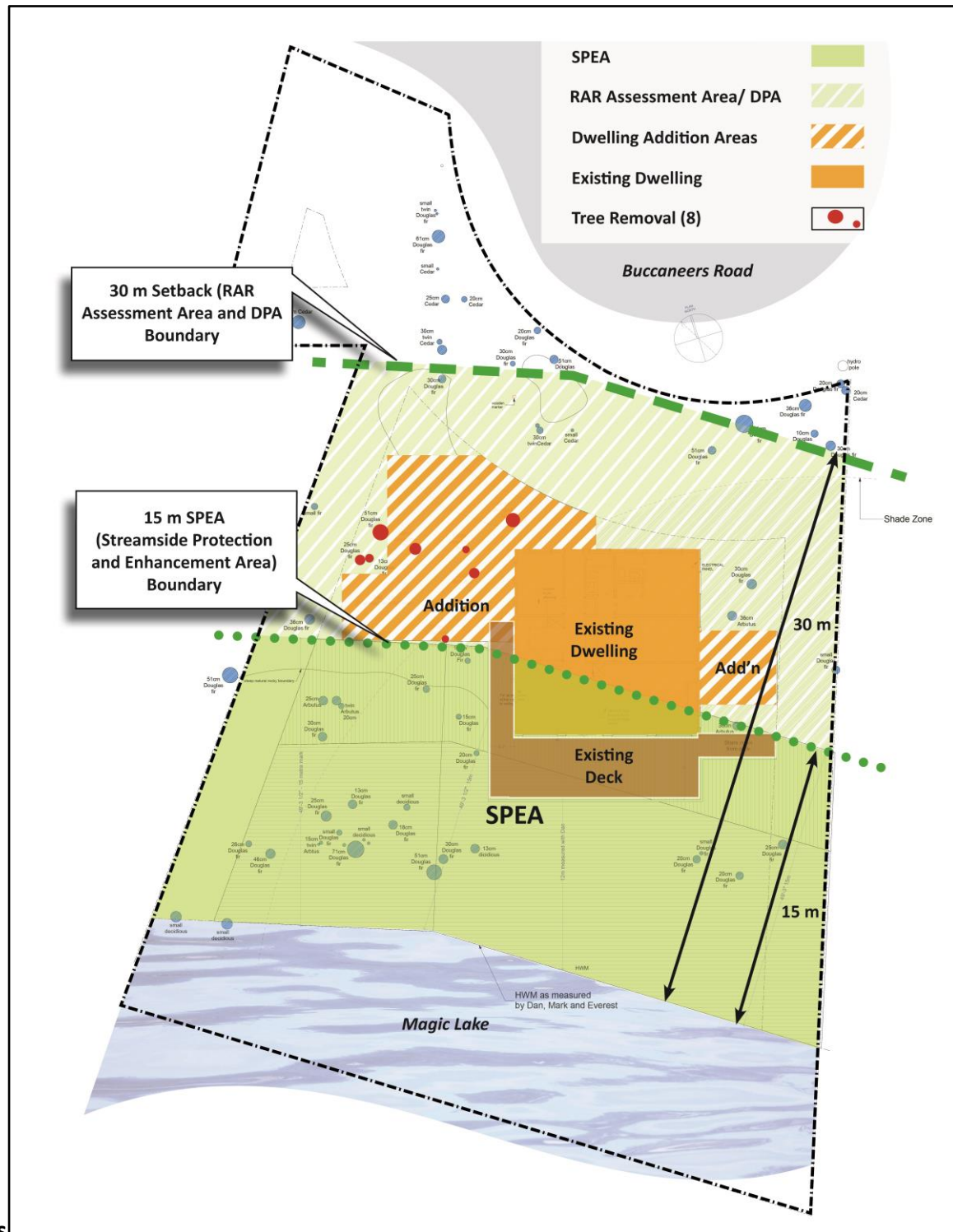
This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2018.1

Schedule "A"

Site Plan



Biologist's RAR Map



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

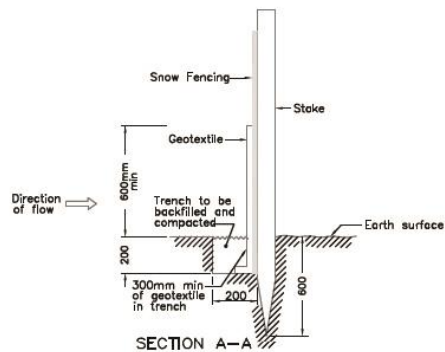
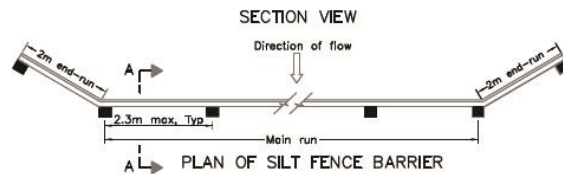
DEVELOPMENT PERMIT 2018.1

Schedule "C"

Erosion and Sedimentation Control Measures

EROSION AND SEDIMENTATION

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



NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL

NTS



DATE OF MEETING: April 26, 2018
TO: North Pender Island Local Trust Committee
FROM: Justine Starke, Island Planner
SUBJECT: Waste Transfer - Bylaws 214 & 215

RECOMMENDATIONS

1. THAT the North Pender Island Local Trust Committee Bylaw No. 214, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017,” be amended to replace Schedules 2 and 4, as shown in Appendix 2 of the staff report for the April 26, 2018 regular business meeting of the North Pender Island Local Trust Committee.
2. THAT the North Pender Island Local Trust Committee Bylaw No. 214, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017,” be read a second time as amended.
3. THAT the North Pender Island Local Trust Committee Bylaw No. 215, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017,” be amended to replace Plan 2 and make other amendments in accordance with Appendix 3 of the staff report for the April 26, 2018 regular business meeting of the North Pender Island Local Trust Committee.
4. THAT the North Pender Island Local Trust Committee Bylaw No. 215, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017,” be read a second time as amended.
5. THAT the North Pender Island Local Trust Committee direct staff to bring forward a covenant ensuring that an Archaeological Impact Assessment for Archaeological Site DeRT-55 is conducted prior to commencement of uses in the proposed I2(e) zone at 4415 Bedwell Harbour Road.
6. THAT the North Pender Island Local Trust Committee direct staff to schedule a community information meeting as a special Local Trust Committee business meeting for Bylaws 214 and 215.
7. THAT the North Pender Island Local Trust Committee direct staff to schedule a public hearing for Bylaws 214 and 215.

REPORT SUMMARY

The purpose of this report is to present Draft amendments to Bylaw 214 (Official Community Plan amendment) and Bylaw 215 (Land Use Bylaw amendment), recommended as a result of feedback from the agency referral process. Bylaws 214 and 215 are attached as appendices 1 and 2, respectively.

BACKGROUND

Draft Bylaw 214 proposes new Official Community Plan policies to enable and guide land use bylaw regulations for waste transfer uses. Bylaw 214 also creates a new Development Permit Area (DPA): Development Permit Area 11 – Waste Transfer Development Permit Area. Under the DPA requirements, a development permit would be required before land could be altered or buildings/structures could be constructed for waste transfer uses.

Draft Bylaw 215 proposes to amend the North Pender Island Land Use Bylaw 103 to introduce land use regulations for a range of waste transfer uses on North Pender Island. It introduces definitions, general regulations, parking requirements, as well as includes a number of consequential amendments required to ensure compatibility with the existing bylaw.

The North Pender Island Local Trust Committee (LTC) initially gave First Reading to Bylaws 214 and 215 on September 21, 2017. First Reading was rescinded by the LTC on January 30, 2018, when it was amended and given First Reading again.

Information was brought forward at the January 2018 meeting regarding the location of the proposed I2(e) zone at 4415 Bedwell Harbour Road (MacDonald Farm). The property owner requested the zone be re-located to border the adjacent industrial property to the west. In addition, the presence of an archaeological site was discussed. The NPI LTC also passed the following resolutions:

THAT the North Pender Island Local Trust Committee direct staff to commission one or more archaeological assessments on the subject properties of North Pender Island Local Trust Committee Bylaw No. 215.

That the North Pender Island Local Trust Committee request staff to bring an analysis of land use impacts that would result from changing the zone boundaries of the proposed Industrial 2 (e) zone.

For further background, see previous staff reports, especially the staff report received by the North Pender Island Local Trust Committee on [April 27, 2017](#) and [September 21, 2017](#).

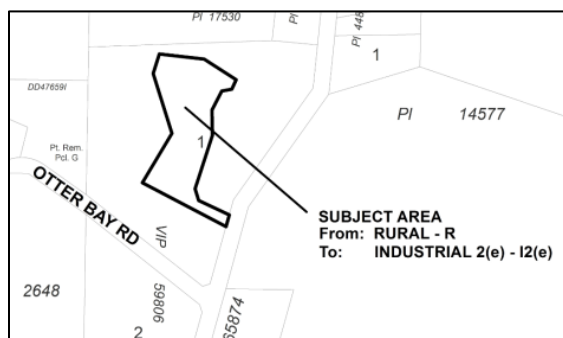
ANALYSIS

Policy/Regulatory

1. 4415 Bedwell Harbour Road – Proposed I2(e) Zone

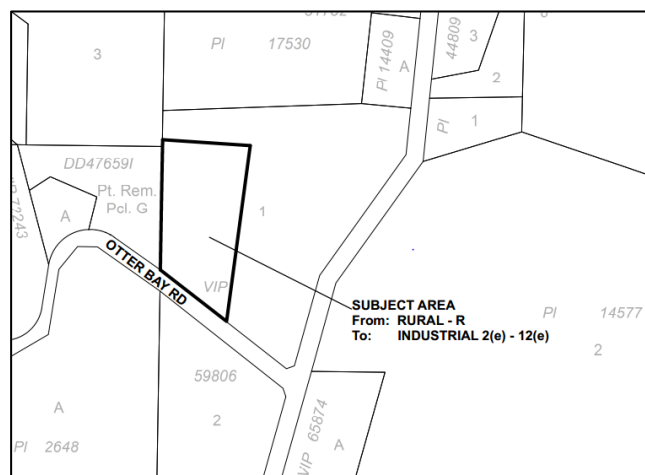
Bylaws 214 and 215 currently assign zone boundaries for the I2(e) zone that avoid the archaeological site and enclose the currently disturbed area of 4415 Bedwell Harbour Road. The access is planned to be from Bedwell Harbour Road:

Map 1: Existing I2(e) zone as proposed by Bylaw 215.



The NPI LTC directed staff to draft a different zone configuration and conduct a land use planning analysis on the new site. Staff have met with the property owners of 4415 Bedwell Harbour Road and also 4400 Otter Bay Road to discuss the new zone boundaries and proposed uses. Feedback from this meeting supported the reconfiguration. The new zone is proposed by Map 2:

Map 2: Proposed new I2(e) zone configuration:



Land Use Analysis of Proposed I2(e) Zone (4415 Bedwell Harbour Road)

The LTC has requested staff conduct a land use analysis for the relocation of the proposed I2(e) zone. The LTC’s planning process to consider land for waste transfer included a public “integrated decision making” process in 2016 – this was a participatory process to systematically consider the land use impacts and corresponding land use criteria for a waste and resource management facility. The entire property at 4415 Bedwell Harbour Road was analysed during this process. This has been documented in staff reports. The current proposal is to use a portion of the property; and while much of the previous analysis remains valid it is possible to further refine the analysis. Please see Appendix 1 to for assumptions and methods.

	Criterion (prioritized according to importance – results of participatory ranking exercise)	Results for Proposed I2(e) on 4415 Bedwell Harbour Road
1.	Sufficient space (1.5 acres remains after 50m buffer applied)	Yes
2.	Sensitive ecosystems	None present
3.	Adjacent to industrial zones	Yes
4.	Groundwater vulnerability	Low-Moderately Low
5.	Remote from dense neighbourhoods (less than 50 properties within 1 km under 5 acres)	There are 52 properties within one km radius of current property boundaries.
6.	Topography	Flat
7.	Agricultural capability	No - Agricultural Capability Index - 8:5RM-2:4M 8:7RT-2:6RM; see assumptions in Appendix.

8.	Archeological feature	Yes on part of the property– An Archaeological Impact Assessment should be conducted.
9.	Presence of fresh water bodies	Yes
10.	Distance to common use areas (Magic Lake Estates, Driftwood Ctr., or Recycling Ctr.)	Magic Lake Estate= <8kms; Driftwood Centre =<3 km; Recycling Centre= <1 km.
11.	[Serviced by a] dedicated road	Yes

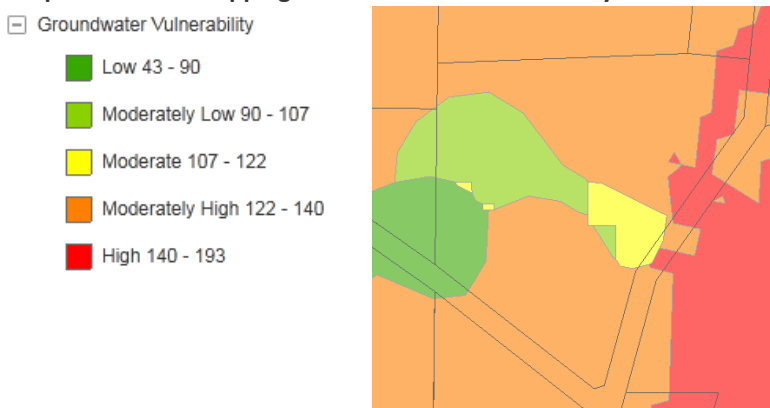
Buffers/Size/Siting

The new I2(e) zone would be 1.6 ha (3.96acres); it is large enough to meet minimum requirements for subdivision for both the proposed I2(e) zone as well as the remainder in the Rural Zone (4 ha or 10 acres). The area and configuration has space for 1.5 acres of working space, allowing for room for expansion, fire protection buffer, and a 15 metre landscape buffer. The location on the property avoids the recorded archaeological site.

Groundwater vulnerability:

By narrowing where on the property the waste transfer use is proposed for we can assess more specifically the groundwater vulnerability. Relocating the I2(e) zone to the new location has the benefit of locating it on the part of the property with the least susceptibility to groundwater contamination:

Map 3: DRASTIC Mapping – Groundwater Vulnerability



Archaeological Site DeRt-55:

As a result of feedback and requests made by Malahat Nation and the BC Archaeology Branch in the referral process, the LTC has directed staff to commission one or more archaeological assessments on the subject properties of Bylaws No. 214/215. Since that time staff have had meetings and site visits with the staff from Malahat Nation as well as had a number of conversations with staff at the BC Archaeological Branch. Further consultation with Malahat Nation has narrowed the request to focus on 4415 Bedwell Harbour Road where there is some portion of the mapped archaeological site DeRt - 55. The proposed zone boundary for I2(e) has been drawn to exclude the archaeological site, but it is understood that an Archaeological Impact Assessment (AIA) is the only way to define with certainty the extent of DeRt-55 on the McDonald Farm property. Staff at the BC Archaeological Branch have indicated they will follow up on any further information they may have on the site, and have also

clarified that rezoning is not considered to be development requiring an AIA under the Heritage Conservation Act but that soil disturbance is.

At the January 30, 2018 NPI LTC meeting, the LTC was offered the following options for consideration:

1. LTC initiate a contract with an archaeologist to conduct an Archaeological Impact Assessment with a permit under the Heritage Act.
2. LTC enter into a covenant with the property owners to ensure an Archaeological Impact Assessment is conducted prior to and land alteration within the waste transfer zone.

The second option was not previously favoured however given further exploration and having more information on the cost and timing of an AIA, it seems that option #2 is the more practical path forward. Staff recommend the LTC do conduct an Archaeological Impact Assessment as an act of reconciliation, and to avoid any violation under the *Heritage Conservation Act*, but that this be required prior to the waste transfer use commences and not be a condition prior to zoning approval. The LTC can pursue the AIA in a parallel process and perhaps seek financial support in the way of cost sharing, grants or other funding streams. Staff will bring forward a separate project charter to advance this.

2. 4606 Razor Point Road –In1(b) Zone

Amendments to Bylaws 214 and 215 now exclude the In1(b) zone from assignment of limited waste transfer uses. Currently, the only use permitted by Land Use Bylaw 103 in the I1(b) is boat storage - even within the ALR, agriculture is not listed as a permitted use. Because of this, the LTC has proposed adding *agriculture* as a permitted use in this zone. As proposed, Bylaw 215 retains the boat storage use and now includes an information note advising that non-farm use approval from the Agricultural Land Commission is required for the boat storage use to be legal. The Agricultural Land Commission has been updated about this approach but has not yet responded.

The purpose of this LTC project is to zone land for waste transfer uses on North Pender Island. The I1(b) portion of 4606 Razor Point Road was excluded from the scope of the waste transfer bylaws as a result of the Agriculture Land Commission deciding in October 2017 that the non-farm use permission had expired.

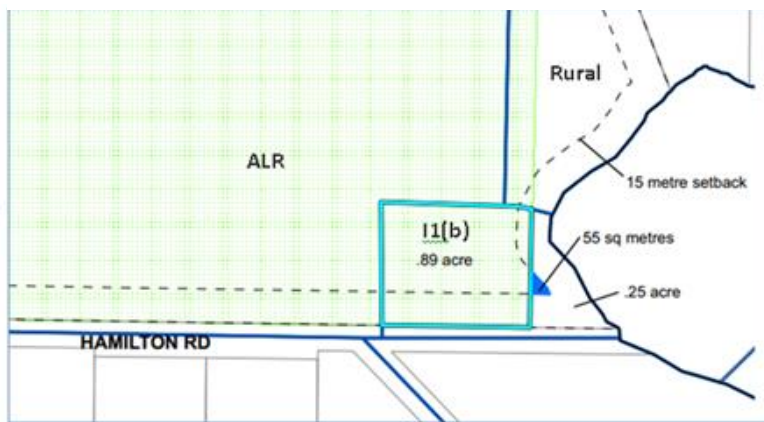
The industrial portion of this property was rezoned from Rural to Industrial in the late 1970s while the zoning bylaws were still under the authority of the CRD. When the first LTC zoning bylaw was adopted in 1978, the zoning permitted boat building and repairs; marinas, maintenance and servicing of boats, including refueling; and bulk fuel storage tanks. The property was down zoned in 1999 to allow only boat storage.

The In1(b) zone includes land both within the ALR and outside of it. As mentioned, the only use currently permitted in this In1(b) zone is boat storage, and while Bylaw 215 proposes to add agriculture as a permitted use, it does not go so far as to correct the historically anomalous zoning. It is acknowledged that the industrial zoning on this property needs review but it is outside of the scope of this project to use the waste transfer process to do this. The industrial zoning on this property should be reviewed in a comprehensive way through a future rezoning exercise that is assigned the time and resources to consider a full range of options.

The LTC could consider a different approach that would still be within the scope of this project:

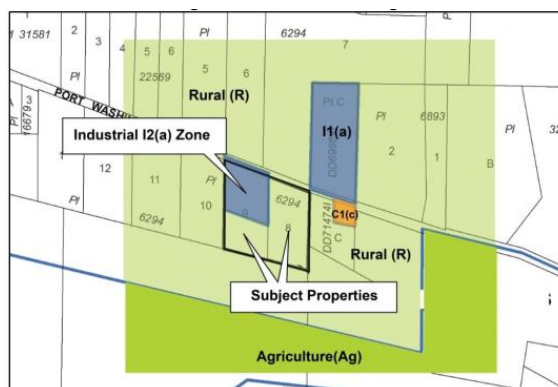
1. Remove the I1(b) zone from Bylaw 215; this would have the effect of eliciting no change on the property and the current zoning would remain.
2. Initiate a mapping amendment to remove boat storage as a permitted use in the ALR portion of the I1(b) zone by re-designating and rezoning it as Agriculture. This would leave .25 acres of the I1(b) zone, only 55 m² of which is usable for buildings and structures when setbacks are taken into consideration. See Map 4 below. Note - not official zoning map.

Map 4: Illustration of existing zone boundaries at 4606 Razor Point Road



3. Mainroad Yard on Port Washington Rd

Mainroad Contracting has been engaged in a separate rezoning application to formalize historic uses on the Port Washington Road highway works site ([NP-RZ-2016.1](#)). Lot 8 is currently zoned Rural (R) and Lot 9 is split-zoned Rural (R) and Industrial 2(a) in the North Pender Island Land Use Bylaw No. 103, 1996. Mainroad's rezoning process was to extend the I2(a) zone to also include the Rural portions of the site. The waste transfer process has been assuming both lots would be used for the full service waste transfer site. The Mainroad application is on hold at this time. Bylaw 215 proposes to add the full service waste transfer use to the I2(a) zone. Until Mainroad rezones the Rural portions to I2(a), the waste transfer use will only apply to the area currently zoned I2(a). This area of the property meets the 1.5 acre objective for a full service waste transfer facility. Should the Mainroad decide to continue with its application and the LTC extends the I2(a) zone to the Rural portion of the site, the waste transfer use would carry over with the I2(a) zone.



Proposed Amendments Bylaws 214 and 215:

Bylaws 214 and 215 are currently at First Reading and presented with amendments for consideration of Second Reading. On-going consultation with property owners and waste management operators has informed recommendations for further amendments to Bylaw 215 as follows:

1. Amend Section 2.4 (2) to require that:

“All solid waste, recyclable materials, and compost materials must be contained and located within buildings or sealed collection bins.”

The change adds flexibility for operators to store waste outside of buildings, but within sealed bins. The rationale for proposing this change reflects feedback from operators that the bylaw as written is not practical because it would require very large buildings that trucks can unload into. This may also not be possible with the size/height restrictions of the bylaw.

2. Amend the setback regulations at 3.19.2 to reduce the setbacks required between adjacent properties that are Industrially zoned or zoned for the Recycling Facility.
3. Amend the setback regulations at 3.19.2 to only require a 3 metre setback from interior side lot lines for limited waste transfer and public drop-off waste transfer. This is by request by the lease holder/operator to ensure existing buildings are compliant with setback regulations.
4. Amend Bylaw 215 Plan No.2 and Bylaw 214 Schedule 2 and 4 to reconfigure the I2(e) zone as discussed above.

Rationale for Recommendation:

Amendments to Bylaw 215 (Land Use Bylaw amendment) have been recommended as a result of feedback from property owners and waste transfer operators, from land use analysis, and at the previous request of the LTC.

The need for an archaeological impact assessment on one of the properties remains, however the study can be required by covenant and conducted prior to site development. The LTC and the property owner can enter into a covenant to ensure an Archaeological Impact Assessment is conducted prior to development of the site. The community has not been consulted in a general way since the bylaws have been given readings and it is time to do so.

Next Steps

1. Consideration of second reading (current status)
2. Community Information Meeting
3. Covenant preparation for archaeological studies
4. Public Hearing
5. Consideration of third reading
6. Referral to Executive Committee of Islands Trust
7. Referral of OCP amendment bylaw to the Ministry of Municipal Affairs and Housing
8. Consideration of Bylaw Adoption

Alternatives:

1. THAT the North Pender Island Local Trust Committee defers consideration of amendments to bylaws 214 and 215 until an Archaeological Impact Assessment has been completed.
2. THAT the North Pender Island Local Trust Committee direct staff to bring forward a map amendment that would rezone the ALR portion of the I1(b) zone to Agriculture.
3. THAT the North Pender Island Local Trust Committee amend Bylaw 215 to remove Section 2.7 thereby remove 4606 Razor Point Road from the scope of Bylaw 215.
4. THAT the North Pender Island Local Trust Committee directs staff to proceed no further with this project.

Submitted By:	Justine Starke, Island Planner	April 16, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	4/17/2018

ATTACHMENTS

Appendix 1: Assumptions and Methods of Site Selection Criteria

Appendix 2: Proposed Amendments - Bylaw 214

Appendix 3: Proposed Amendments - Bylaw 215

Appendix 1: Assumptions and Methods of Site Selection Criteria

CRITERION	METHOD
Close to Magic Lake Estates	Driving distance from driveway to driveway (or midpoint of site at road)
Close to Driftwood Centre	Driving distance from driveway to driveway (or midpoint of site at road)
Close to Recycling Ctr.	Driving distance from driveway to driveway (or midpoint of site at road)
Relative Density of Surrounding Neighbourhood Properties	Measured as the relative density (# properties) in surrounding neighbourhood within a 1 km radius.
Adjacent to existing industrial zones	Measured using zoning map.
Proximity to ferry	Driving distance from driveway or midpoint of site at road to ferry terminal.
Dedicated Highway	Road dedicated as highway. <u>Assumptions:</u> Ministry of Transportation is responsible for safety and maintenance. Traffic impact studies are beyond scope of current review.
Sufficient Space – 50m	Space (parking & operations): Measured as lot area remaining in centre of the site after buffer (15m vegetative + 35m firebreak = 50m total buffer) was applied using mapping tools. Yes = 1 acre or greater. No = less than 1 acre. - 1 acre lot area includes: 10 parking spaces, 378m² of tipping space, and an 8 metre wide, circular driveway. <u>Assumptions:</u> - Space for Best Practices (vegetative buffer, firebreak area) were calculated along with space for operations - 1 acre (43560 ft² or 4046 m²) is considered ample area for a waste transfer station to serve a community of this size, as follows: - N/S Pender population = 2500: Waste generated at current pop size: 500kg (0.49 tons) of waste/person/year X 2500 people = 1225 tons/yr = 3.4 tons/day EPA calculation of tipping space: 4000 ft² + (20ft² X 3.4 tons) = 4068 ft² = 378m² Tipping space = buildings and/or waste bins Disclaimer – technology and method of waste transfer varies and needs for space will vary.
Space for expansion – 50m buffer	1.5 acre lot area (65340 ft²) dedicated for services is considered ample for space for services in a 20-year expansion. - 1.5 acre (6070 m²) includes: 10 parking spaces (2.6m x 5.5m) 10 spaces = 143 ft², 379m² (4080 ft²) of tipping space, and an 8 metre wide, circular driveway. <u>Assumptions:</u> - 1% growth rate gives 3050 population in 20 yrs (N/S Pender) - 500kg (0.49 tons) of waste/person/year X 3050 people=

	1500 tons of waste/year = 4 tons/day - EPA calculation: - $4000 \text{ ft}^2 + (20 \text{ ft}^2 \times 4 \text{ tons/d}) = 4080 \text{ ft}^2 = 379 \text{ m}^2$ needed for tipping space. - Tipping space = buildings and/or waste bins Disclaimer – technology and method of waste transfer varies and needs for space will vary.
Not adjacent to sensitive terrestrial ecosystems	Assessed using SEM (Sensitive Ecosystem Mapping). Determined if a sensitive ecosystem was present on a subject property.
groundwater contamination potential	DRASTIC mapping – measures groundwater vulnerability as a function of ground material (eg. shale versus bedrock). Class 1-5. High =5; Moderately High = 2; moderate = 3; Moderately Low = 2; Low = 1. Most sites have areas with more than one classification. The two most dominant ratings were selected for the exercise.
Potential to impact marine, riparian or freshwater aquatic ecosystems	Assessed using TRIM mapping for presence of a fresh water body (includes streams, ponds, lakes, some wetlands) = y. No water body= n.
Proximity to culturally-relevant sites	Presence of mapped archaeological site on the property = y. No mapped archeological site = n.
Avoid site with agricultural potential	Agricultural Capability Index – BC Ministry of Agriculture. Class Ranges 1-8. Class 1-3 = y. Class 4-8 = n Note: Agricultural Land Capability Index (BC Agricultural Land Commission) data obtained as GIS datasets. Data was interpreted with an arbitrary cut off for the purpose of the assessment matrix: any land in classes 1-3 was assessed as having agricultural potential. However, this is only an assessment of unimproved land and is not the only factor in considering the agricultural capability of the land.

**Tons – Imperial tons (500kg = 0.49 Imperial Tons)

1 acre – 43560 ft²

EPA – Environmental Protection Agency (United States)

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 214

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

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

1. CITATION

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

2. SCHEDULES

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

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

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

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

3. SEVERABILITY

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

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

Chair

Secretary

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

SCHEDULE 1

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

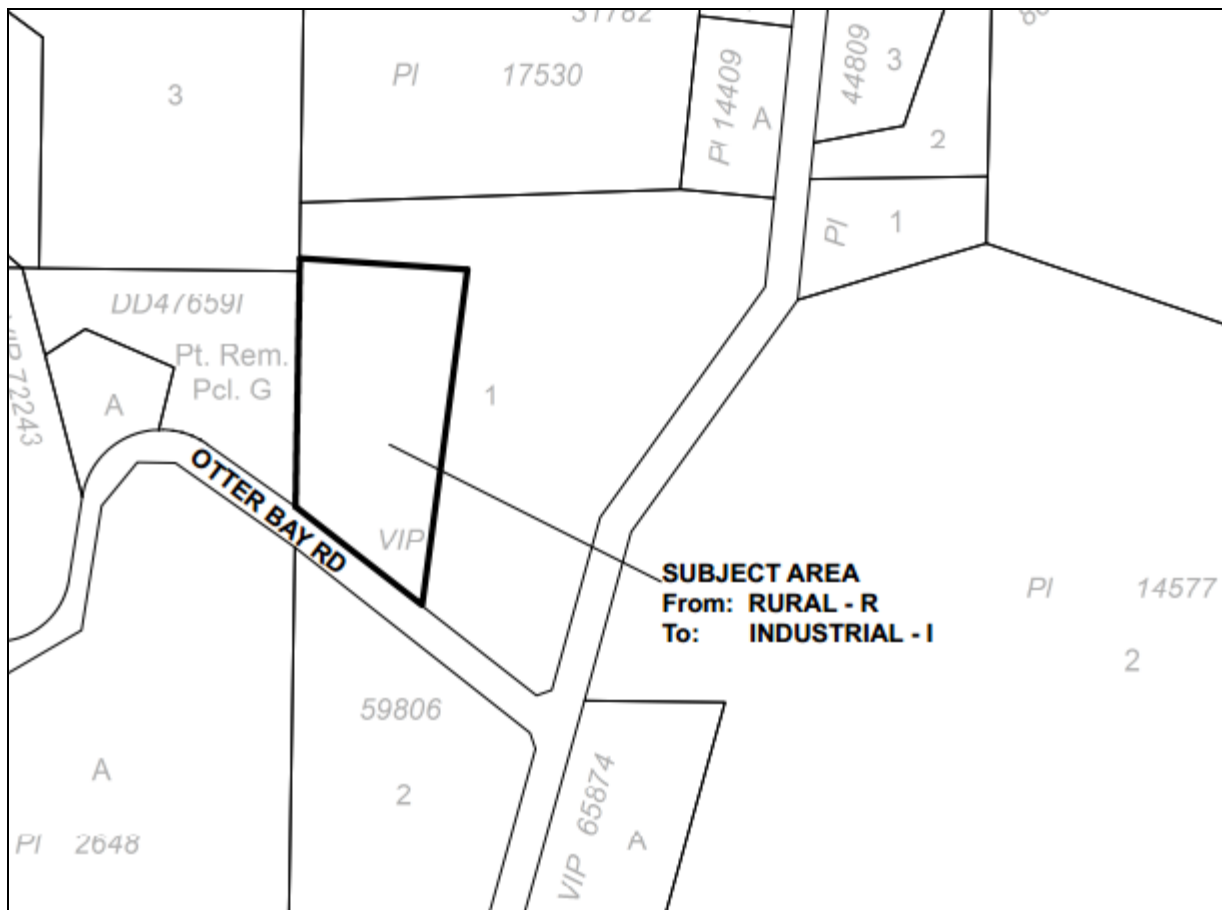
1. Section 1.2 (Goals), is amended by adding a new goal as follows:
 - 19) To minimize waste and maximize recycling and resource recovery in the management of solid waste and discarded materials.
2. Section 3.3.2 (Solid Waste Disposal) is amended by adding new objectives under Solid Waste Objectives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

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

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

SCHEDULE 2

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



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

SCHEDULE 3

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

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

5.2.12 DEVELOPMENT PERMIT AREA ELEVEN – WASTE TRANSFER DEVELOPMENT PERMIT AREA

5.2.12.1 Authority

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

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

5.2.12.2 Special Conditions or Objectives that Justify the Designation

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

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

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

5.2.12.3 General Applicability

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

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

5.2.12.4 Designation

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

5.2.12.5 Application Requirements

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

5.2.12.6 Development Permit Exemptions

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

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

5.2.12.7 Guidelines

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

GUIDELINES FOR THE PROTECTION OF THE NATURAL ENVIRONMENT

General Guidelines for Environmental Protection

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

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

Guidelines for Water Protection

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

GUIDELINES FOR THE PROTECTION OF DEVELOPMENT FROM HAZARDOUS CONDITIONS

Guidelines for the Protection of Development from Wildfire Hazard

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

Guidelines for the Protection of Development from Flood Risk

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

Guidelines for the Protection of Development from Slope Hazard Risk

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

GUIDELINES FOR THE PROTECTION OF FARMING

General Guidelines for the Protection of Farming

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

GUIDELINES FOR THE FORM AND CHARACTER OF INDUSTRIAL DEVELOPMENT

Guidelines for General Site Design, Building Location and Access

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

GUIDELINES FOR THE FORM AND CHARACTER OF BUILDINGS AND STRUCTURES

General Guidelines for the Form and Character of Buildings and Structures

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

Guidelines for Lighting

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

Guidelines for Signage

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

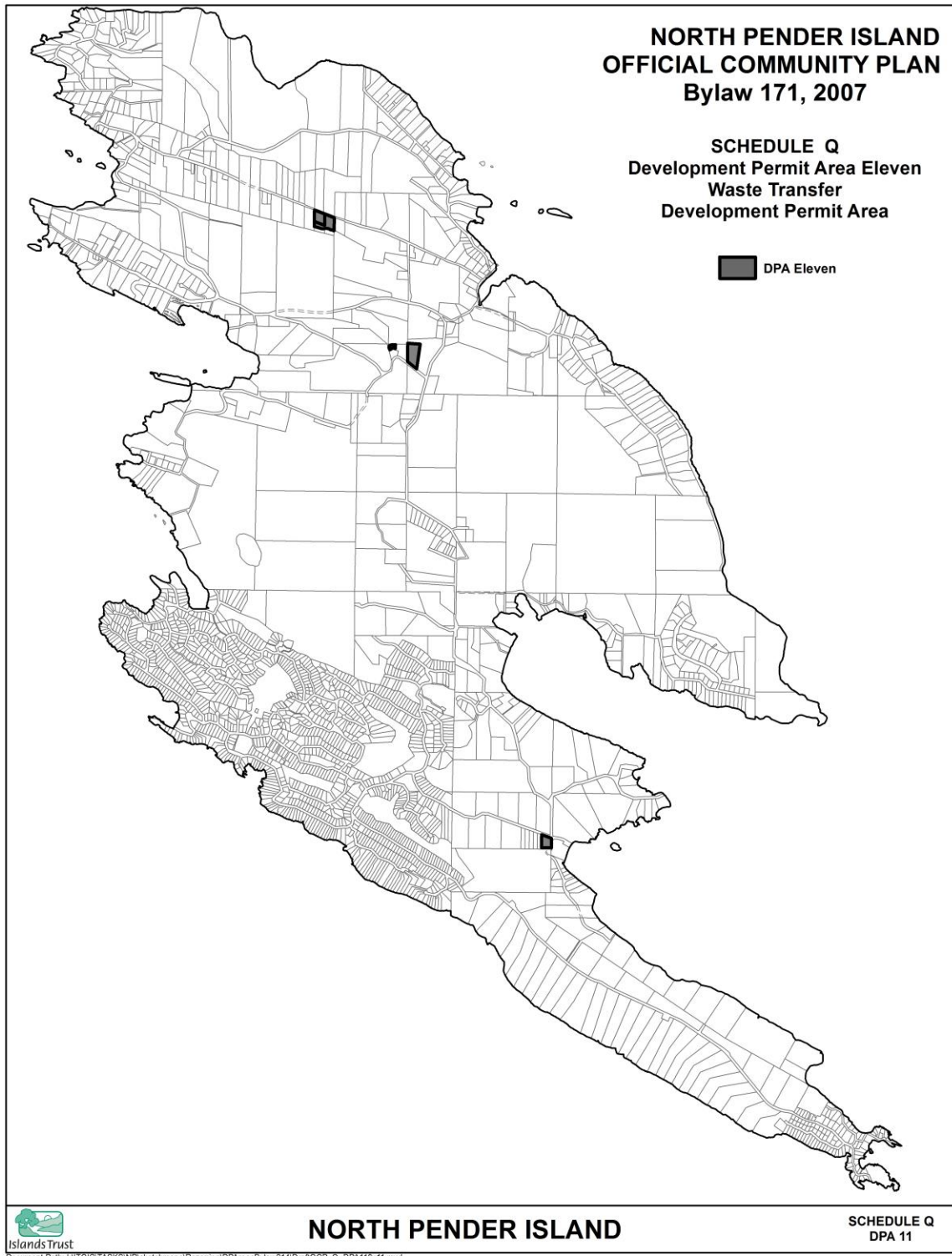
VARIANCE PERMITS TO MEET DEVELOPMENT PERMIT AREA GUIDELINES

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

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

SCHEDULE 4

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



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 215

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

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

(1) Citation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Waste Transfer Regulations

3.19.1 The following regulations apply to waste transfer uses:

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

3.19.2 Setbacks:

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

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

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

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

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

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

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

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

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
I1(b)	Portion of the NW ¼ of Section 11 except the south 26.364 chains and except Parcel A (DD143808I) and except those parts shown outlined in red on Plan 5632 and 262R and except those parts in Plans 5856, 7982 and 20898	Despite 8.8.2(1), the only permitted uses are boat storage and agriculture. . <i>Information Note: Boat storage is only permitted within the Agricultural Land Reserve if approved as a non-farm use by the Agricultural Land Commission.</i>

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
I2(d)	Portion of Parcel G (DD47659I) of Section 18, Pender Island, Cowichan District, Except Parts in Plans 2648, 9912, 37908, VIP54314 and VIP72243	Despite 8.9.2(1), the only uses permitted in this location are: limited waste transfer, storage of aggregate, and the fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment.

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
I2(e)	Portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806	Despite 8.9.2(1), the only use permitted in this location is agriculture and full service waste transfer.

- 2.10 Subsection 8.9.8 – Site Specific Regulations, is amended by deleting the word “and” before the words “the processing, crushing and storage of gravel” and adding “and full service waste transfer” to the end of the uses listed in Column 3 of the Site Specific Zone Reference I2(a).
- 2.11 Subsection 8.12.2(1)(a) is deleted and replaced with “recycling and reuse facility.”
- 2.12 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Portion of Parcel G (DD47659I) of Section 18, Pender Island, Cowichan District, Except Parts in Plans 2648, 9912, 37908, VIP54314 and VIP72243 from I2 (c) to I2(d), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.
- 2.13 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806 from Rural to I2(e), as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.

3. SEVERABILITY

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

READ A FIRST TIME THIS 30TH DAY OF JANUARY 2018

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ 20____

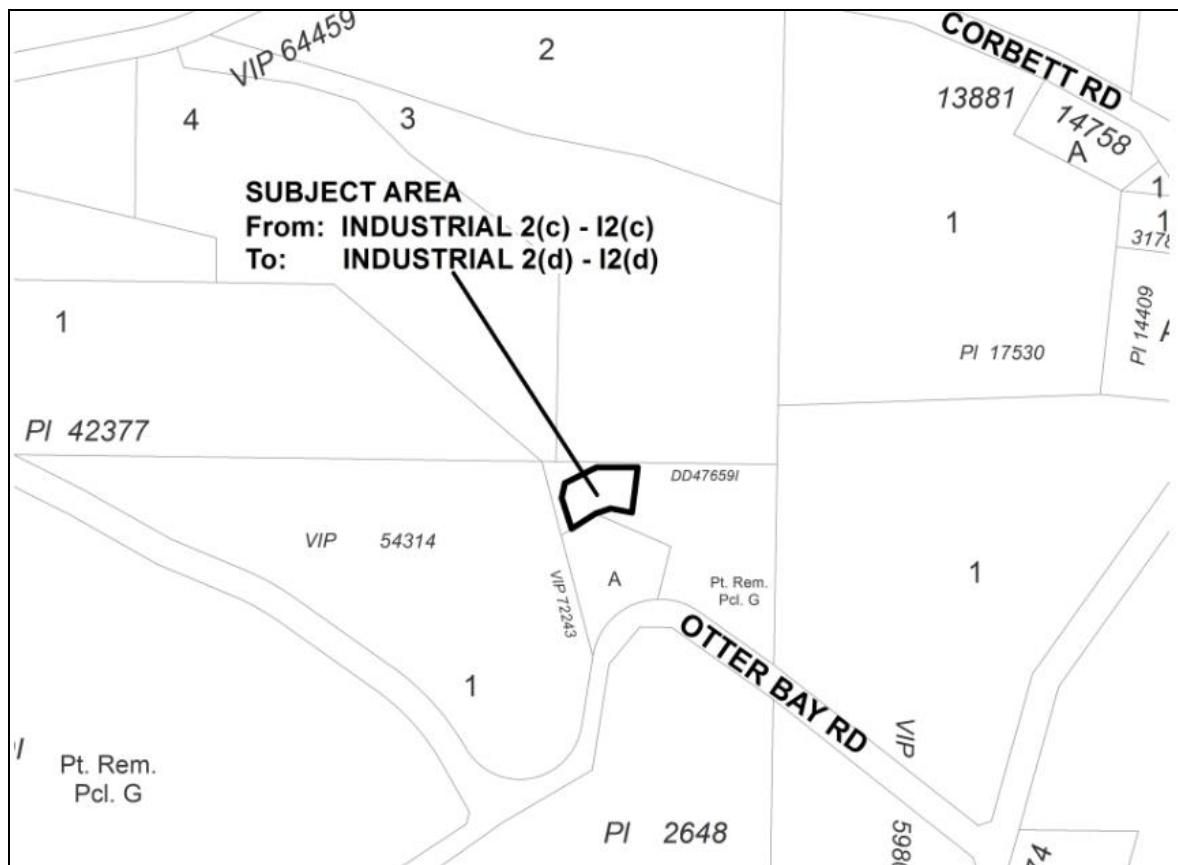
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Chair

Secretary

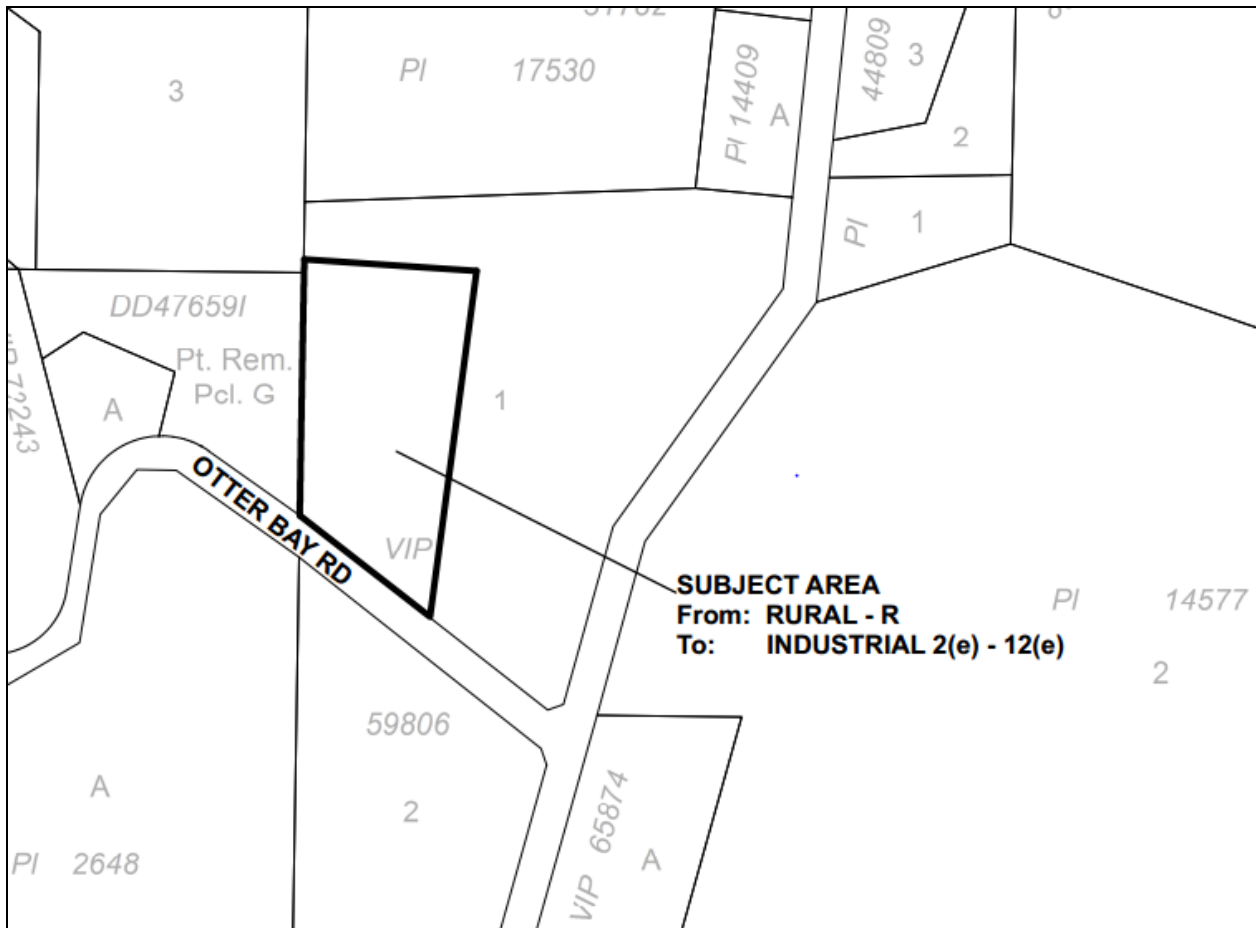
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 215**

Plan No. 1



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 215

Plan No. 2





File No.: 6500-20 - North Pender
Housing (Secondary Suites)

DATE OF MEETING: April 26, 2018
TO: North Pender Island Local Trust Committee
FROM: Justine Starke, Island Planner, Local Planning Services
SUBJECT: **Bylaws 216 and 217 : Secondary Suites**

RECOMMENDATION

1. THAT the North Pender Island Local Trust Committee Bylaw No. 216, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2018,” be read a second time.
2. THAT the North Pender Island Local Trust Committee Bylaw No. 217, cited as “North Pender Island Land Use Bylaw, 103, 1996, Amendment No. 1, 2018,” be amended as show in Appendix 2 of the staff report for the April 26 2018 North Pender Island Local Trust Committee meeting.
3. THAT the North Pender Island Local Trust Committee Bylaw No. 217, cited as “North Pender Island Land Use Bylaw, 103, 1996, Amendment No. 1, 2018,” be read a second time as amended.
4. THAT the North Pender Island Local Trust Committee direct staff to schedule a community information meeting and public hearing for Bylaws 216 and 217.

REPORT SUMMARY

The purpose of this report is to present agency referral responses to [Bylaw 216](#) and [Bylaw 217](#), bylaws which would permit and regulate secondary suites as accessory dwellings permitted within primary dwellings on North Pender Island.

BACKGROUND

The North Pender Island Local Trust Committee (LTC) made housing a top priority in 2015 and on November 24, 2016 added Secondary Suites as a focus under its Top Priority work program. The Local Trust Committee has endorsed a [project charter](#) to manage the work program for this policy priority.

[Bylaw 216](#) and [Bylaw 217](#) would permit and regulate secondary suites as accessory dwellings permitted within primary dwellings on North Pender Island; they received First Reading on January 30, 2018.

Bylaw 216 is an amendment to the Official Community plan to enable and make specific reference to secondary suites. It proposes a new general residential policy: “Accessory housing options such as secondary suites may be permitted as a way to increase the stock of rental housing without negatively impacting the rural sense of place or the carrying capacity of the island,” and includes various other policies to implement this.

Bylaw 216 also proposes to amend the Temporary Use Permit guidelines to discourage secondary suites from being used as short term vacation rentals.

ANALYSIS

Policy/Regulatory

See previous staff reports, especially the [staff report](#) received by the North Pender Island Local Trust Committee on January 30, 2018.

First Nations Referrals

[Bylaw 216](#) and [Bylaw 217](#) were referred the following First Nations on February 8, 2018:

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation - TE'Mexs Treaty Association
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

Lake Cowichan First Nation responded on February 15 2018, stating:

"This area appears to be on/in an area that Lake Cowichan First Nation would recognize as being in close proximity to other First Nation territorial lands. As such, I would categorize this as a Level 2 rights area for Lake Cowichan First Nation. Level 2 identifies that Lake Cowichan had harvesting, trade and Nation to Nation relations, but not necessarily Title and governing authorities, which would be Lake Cowichan's highest S.35 interests and would require high end of the Haida spectrum consultation. However, Level 2, is still considered to be a very high consultation matter as it represents our marine fishing and harvesting areas. Despite this we would generally defer to the First Nation(s) whose traditional territory fronts this area. Should Lake Cowichan First Nation identify greater interests in the future we retain the right to revise this assessment. However, at this time, we defer to any Nation(s) whose title and governing authorities are directly affected."

Malahat First Nation responded on April 5, 2018 stating:

"Malahat Nation's interests are unaffected and we have no objection to the passing of the bylaws. We defer to our neighbouring Nations with regard to impacts on Aboriginal interests and support them in their stewardship of the land."

Agency Referrals

[Bylaw 216](#) and [Bylaw 217](#) were referred the following agencies on February 8, 2018. Please see Table 1 for a summary of agency responses. Substantive responses have been posted on the [website](#):

- BC Assessment Authority
- Ministry of Forest, Lands & Natural Resource Operations, Water Protection
- Agricultural Land Commission
- CRD, Building Inspection Services
- CRD, Electoral Area Director
- CRD, Infrastructure Engineering (Integrated Water Services)
- Magic Lake Water and Sewer Commission

- North Pender Island Fire Rescue
- North Pender Island Advisory Planning Commission
- Gulf Islands School District No. 64
- Outer Gulf Islands RCMP
- Razor Point Improvement District
- Trincomali Water Improvement District
- Island Health
- Galiano Island Local Trust Committee
- Mayne Island Local Trust Committee
- Saturna Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- South Pender Island Local Trust Committee
- Thetis Island Local Trust Committee (in error)

Table 1: Summary of Agency Responses

Agency	Response	Conditions/Comments
Salt Spring LTC	Interests Unaffected	N/A
South Pender LTC	Interests Unaffected	N/A
Saturna LTC	Interests Unaffected	N/A
Galiano LTC	Interests Unaffected	N/A
Thetis LTC	Interests Unaffected	N/A
Agricultural Land Commission	Approval Recommended for reasons outlined below. Link to Referral Response.	Proposed amendments appear consistent with ALR Regulations (3(1)(b.1)i).
Trincomali Water District	Did not indicate on form but sent letter of response. Link to referral response.	Request to be excluded from Bylaws.
Magic Lake Water/Sewer Committee (CRD – Integrated Water Services)	Approval not recommended due to reasons outlined below. Link to Referral Response.	Responded on behalf of Magic Lakes Water and Wastewater Committee requesting the area within the Magic Lake Sewer Service be excluded from consideration.
Razor Point Improvement District	Interests Unaffected Link to Referral Response	N/A
Pender Island Fire Rescue	Approval Recommended subject to conditions. Link to Referral Response.	The bylaw should include a provision to insure secondary suites meet current building and fire codes. The bylaw should also include a provision to insure there is adequate access for emergency vehicles and an adequate fire protection water supply readily available at or near the secondary suite.

North Pender Island Advisory Planning Commission

The [draft minutes](#) are posted on the website. The APC passed the following resolution:

NP-APC-2018-001

It was moved by Dorothy Murdoch, seconded by Ron Underhill,

That the Advisory Planning Commission recommend that the bylaw amendment require that all existing secondary suites would have to apply for a building permit to ensure compliance with the building code.

CARRIED

NP-APC-2018-002

It was moved by Michael Symons, seconded by Ron Underhill,

That the Advisory Planning Commission recommend that the bylaw amendment state that the use of secondary suites as short term vacation rentals be prohibited.

CARRIED

NP-APC-2018-003

It was moved by Ben McConchie, seconded by Michael Symons,

That the Advisory Planning Commission encourage the Local Trust Committee to further study the impact that policies which increase density can have on resources and infrastructure.

CARRIED

One dissenting, Dorothy Murdoch

Discussion of Referral Responses:

Trincomali Improvement District:

The Trincomali Improvement District is authorized under the Local Government Act and is governed by a Board of Trustees. It is not managed by the Capital Regional District Integrated Water Services. The District operates a water supply system that consists of six groundwater wells with a storage and distribution system to service 104 properties. The Improvement District operates conservatively due to existing supply limitations and has concerns regarding the future water supply due to changes in climate. Other risks include salt water intrusion, competition for the groundwater resource from immediate neighbours, and other unknown risks. The neighbourhood is zoned Rural Residential which has been mostly built out at an average minimum lot area of 0.6 ha (1.4 acres). The Trincomali Improvement District has requested exclusion from Bylaw 217. Staff support this proposal and have presented draft amendments to the bylaw in response.

Magic Lake Water and Sewer Service Area:

Made up of local residents and property owners, including the Sothorn Gulf Islands Electoral Area Director, the Magic Lake Water and Sewer Committee is a commission of the Capital Regional District and provides community input for the delivery of the water service. The Magic Lake Water/Sewer System provides drinking water and sewerage services in Magic Lake Estates. CRD Integrated Water Services is responsible for the overall operation of the system with day-to-day operation and maintenance, design and construction of system facilities provided by the CRD Infrastructure Engineering and Operations Divisions. The quality of drinking water provided to customers in the Magic Lake Estates Water System is overseen by the CRD Water Quality Division. The sewer service is approximately 210 hectares in size and includes 714 parcels (in 2016) of which 623 are serviced.

On behalf of the Magic Lake Water and Sewer Committee, CRD Integrated Water Services has responded with a request for the Magic Lake Sewer Service be excluded from Bylaw 217 because the sewer is at capacity and

requires upgrades before it can take on additional flow. A sewer upgrade must be approved by referendum of the rate payers.

The Capital Regional District manages the system as well as administers the BC Building Code through CRD Building Inspection. If permitted by zoning, secondary suites require building permits to be legal. Until the Magic Lake Sewer Service is upgraded, the CRD will most likely not issue building permits for secondary suites in the sewer service area. The General Manager Planning and Protective Services at the Capital Regional District has confirmed to Islands Trust staff that the CRD will not issue a building permit without meeting all requirements of servicing. Confirmation that there is capacity in both the water supply and sewer system is required before a building permit is issued. If the LTC permits secondary suites in the zoning, they will still need to be approved through the building permit process. Staff are not recommending the LTC amend Bylaw 217 to exclude the Magic Lake Sewer Service.

Pender Island Fire Rescue

The Pender Island Fire Rescue has requested the bylaw include a provision to ensure secondary suites meet current building and fire codes, that it include a provision for adequate emergency vehicle access, and that adequate water supply for fire protection be readily available at or near the secondary suite. These issues are all addressed through the building permit process. As mentioned, the Capital Regional District administers the BC Building Code through CRD Building Inspection.

The Pender Island Fire Rescue has also suggested life safety code compliance could be accomplished through an initial inspection process or possibly accomplished through a self-reporting checklist and report form signed by the property owner. The General Manager Planning and Protective Services at the Capital Regional District has advised that instituting a self-reporting checklist system for life safety provisions is not something that the CRD would manage in its building permit process. The fire code requirements are addressed in the building code and an applicant will only get a building permit after the applicant has met the requirements.

North Pender Island Advisory Planning Commission

The Advisory Planning Commission (APC) has suggested:

- The use of secondary suites as short term vacation rentals be prohibited;
 - Section 3.18.6 of BL 217 already does prohibit the use of secondary suite for a short term vacation rental or a bed and breakfast home business.
- That the LTC further study the impact that policies which increase density can have on resources and infrastructure.
 - This is something the LTC could do within the context of its top priorities. As study of freshwater resources on North Pender Island is advised as a work program topic.
- That the LTC require that all existing secondary suites would have to apply for a building permit to ensure compliance with the building code.
 - This requirement is already in place under the BC Building Code and administered and enforced by the Capital Regional District.

Amendments to Bylaw 217

Amendments to Bylaw 217 have been suggested as shown in Appendix 1. The amendments propose to create a new zone variation Rural Residential (b) and would have the effect of excluding properties within the Trincomali Water District from being permitted secondary suites.

Community Consultation

On October 21, 2017, the North Pender Island Local Trust Committee hosted a community information workshop to discuss secondary suites. The majority of input was very supportive of secondary suites and the concerns people had were more related to secondary suites not being allowed or the process moving too slowly. The results of this community meeting are documented in the staff report received by the NPILTC on [November 23, 2017](#).

There is a staff recommendation to schedule a community information meeting and a public hearing for Bylaws 216 and 217. The LTC should discuss whether the CIM should be scheduled at a separate time from the public hearing.

Rationale for Recommendation

The Trincomali Improvement District (TIC) has groundwater supply limits that cannot be easily addressed with infrastructure upgrades. TIC is not a Capital Regional District Service Area; it does not have administrative staff and the board meets infrequently. A referral relationship between the CRD and TIC for building permit applications cannot be confirmed or relied upon.

Staff are recommending the LTC continue to include the Magic Lake Sewer System in Bylaw 217. Until the sewer system is upgraded, the CRD will not issue building permits for secondary suites. Zoning for secondary suites is planning for the future; zoning has a longer term horizon than the shorter term need for upgrades of the sewer infrastructure. One of the major conclusions of the Southern Gulf Islands Housing Needs Assessments (commissioned by the CRD) is the urgently short supply of rental housing on the North Pender Island; a primary objective of the secondary suites project is to give the ability in zoning for homeowners to provide accessory rental housing units. Bylaw 217 would not be effective in achieving this objective over the long term if 714 parcels within Magic Lake Estates are excluded due to the current infrastructure limits.

Based on the experience of legalizing secondary suites on other islands in the Islands Trust Area, the expectation is that there will be limited numbers of suites built as a result of these bylaws. While some new construction can be expected to incorporate suites and there may be some new suites put into existing houses, the rate of uptake tends to be slow. Existing unlawful suites would no longer face the possibility of enforcement for non-compliance with zoning but would be subject to enforcement under the BC Building Code by the Capital Regional District.

Alternatives

1. Give Second Reading to Bylaws 216 and 217 without amending Bylaw 217 to exclude the Trincomali Improvement District.
2. Direct staff to amend the draft bylaws to exclude the Magic Lake Sewer Service Area from Bylaw 217.
3. Direct staff to proceed no further with this project.

NEXT STEPS

The next steps include:

- 1) Community Information Meeting
- 2) Public Hearing
- 3) Consideration of Third Reading
- 4) Review by Islands Trust Executive Committee
- 5) Consideration of adoption

Submitted By:	Justine Starke, Island Planner	April 17, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	April 17, 2018

Attachments:

Appendix 1: Bylaw 216

Appendix 2: Bylaw 217 with draft amendments

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 216

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. 1, 2018”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS	30 th	DAY OF	JANUARY	2018
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER COMMUNITY, SPORT AND CULTURAL DEVELOPMENT THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 216**

SCHEDULE 1

The North Pender Island Official Community Plan No. 171, 2007, is amended by:

1. Inserting a new policy Residential 2.1.H:

“2.1.H Accessory housing options such as secondary suites may be permitted as a way to increase the stock of rental housing without negatively impacting the rural sense of place or the carrying capacity of the island.”

2. Inserting a new Rural Residential land use policy 2.1.1.10:

“2.1.1.10: Secondary suites may be permitted within principal dwellings with the intent of providing long term rental housing options for residents. A maximum of one secondary suite, limited in floor area, shall be permitted per lot.”

3. Inserting a new Rural land use policy 2.1.2.9:

“2.1.2.9: Secondary suites may be permitted within principal dwellings with the intent of providing long term rental housing options for residents. A maximum of one secondary suite, limited in floor area, shall be permitted per lot.”

4. Inserting a new Agricultural land use policy 2.2.26 and renumbering subsequent policies accordingly:

“2.2.26: Secondary suites may be permitted within principal dwellings with the intent of providing long term rental housing options for residents. A maximum of one secondary suite, limited in floor area, shall be permitted per lot.”

5. Removing the title of Part 6: Temporary Commercial and Industrial Use Permits and replacing it with “Temporary Use Permits.”

6. Removing the subtitle of Part 6: Temporary Commercial and Industrial Use Permit Policies” and replacing it with “Temporary Use Permit Policies.”

7. Adding a new policy 6.4.14:

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

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 217

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

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw, 103, 1996, Amendment No. 1, 2018”.

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

2.1 Section 1.1 – Definitions, is amended by adding the following:

“Secondary suite” means an accessory, self-contained dwelling unit, located within the principal dwelling on a lot and having a lesser floor area than the principal dwelling unit.

2.2 Part 3 – General Regulations is amended by adding a new Section 3.18 as follows:

“3.18 Secondary Suites

3.18.1 There is a maximum of one secondary suite permitted per lot.

3.18.2 A secondary suite shall be entirely located within the building that contains the principal dwelling.

3.18.3 The maximum floor area for a secondary suite is 90m² (968 ft²) and it must not exceed 40 per cent of the floor area of the principal dwelling.

3.18.4 The entrance to a secondary suite from the exterior of the building must be separate from the entrance to the principal dwelling unit.

3.18.5 A secondary suite must not be subdivided from the principal dwelling unit under the *Land Title Act* or the *Strata Property Act*.”

3.18.6 A secondary suite may not be used as a short term vacation rental or a bed and breakfast home business.

2.3 Subsection 6.1.2 – Off Street Parking, is amended by adding a new row (b) to Table 2, as follows, and re-alphabetizing accordingly:

TABLE 2: Off-Street Parking Requirements Continued		
	Use	Minimum Number of Parking Spaces Required
(b)	Secondary Suite	1 Space

- 2.4 Section 8.1 (Rural Residential (RR) Zone) is amended by inserting a new clause 8.1.2(1)(f) as follows:

“(f) secondary suite”

- 2.5 Article 8.1.3(1) is amended by adding “, one secondary suite” so that it reads, “There may not be more than one dwelling, one secondary suite and one cottage on any lot.”

- 2.6 Subsection 8.1.8 - Site Specific Regulations, is amended by adding “(f)” to item (1) of Column 3 of the Site Specific Zone Reference RR(a).

- 2.7 Subsection 8.1.8 – Site Specific Regulations, is amended by adding a new Site Specific RR(b) as follows:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
RR(b)	Trincomali Improvement District	Despite 8.1.2(1)(f) secondary suites are not permitted.

- 2.8 Section 8.2 (Rural (R) Zone) is amended by inserting a new clause 8.2.2(1)(e) as follows:

“(e) secondary suite”

- 2.9 Article 8.2.3(1) is amended by adding “, one secondary suite” so that it reads, “There may not be more than one dwelling, one secondary suite and one cottage on any lot.”

- 2.10 Subsection 8.2.8 - Site Specific Regulations, is amended by adding “one secondary suite” to item (2) in Column 3 of the Site Specific Zone Reference R(b) .

- 2.11 Subsection 8.2.8 - Site Specific Regulations, is amended by adding “(f)” to item (2) of Column 3 of the Site Specific Zone Reference R(c).

- 2.12 Section 8.3 (Agricultural (AG) Zone) is amended by inserting a new clause 8.3.2(1)(f) as follows:

“(f) secondary suite”

- 2.13 Subsection 8.3.8 - Site Specific Regulations, is amended by adding “and (f)” to Column 3 of the Site Specific Zone Reference AG(a).

- 2.14 Schedule “D” – Zoning Map, is amended by changing the zoning classification of the Trincomali Improvement District, 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.

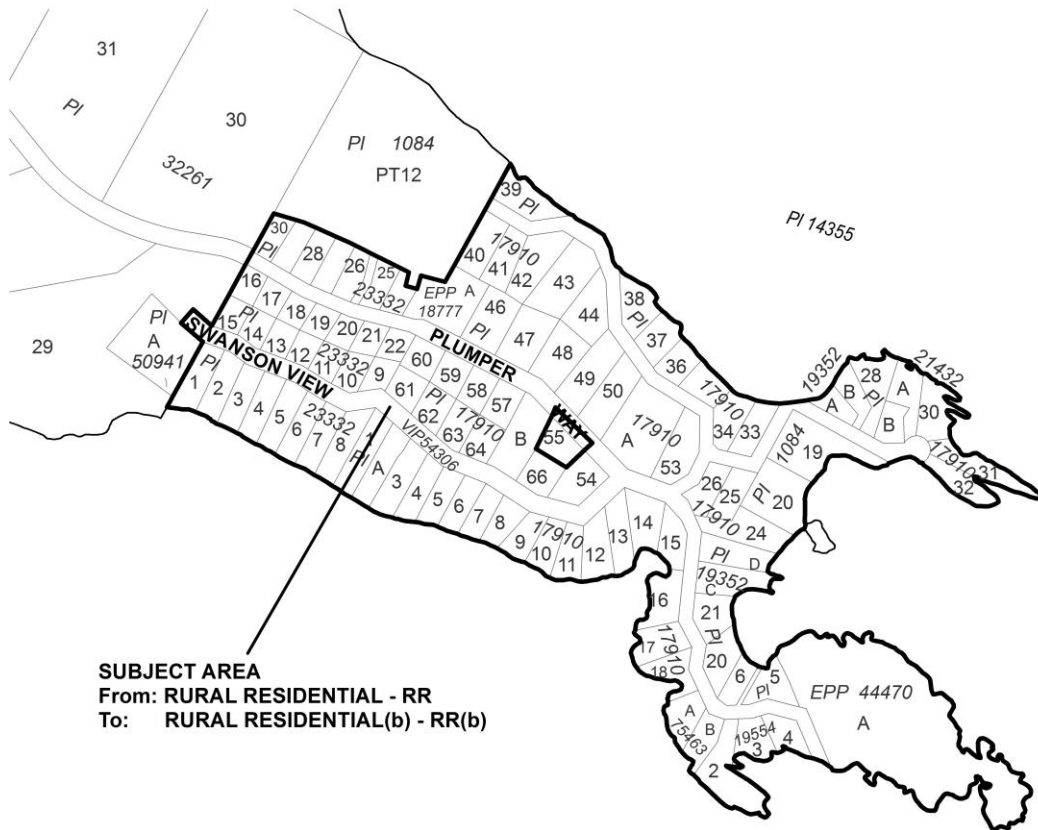
READ A FIRST TIME THIS	30 th	DAY OF	JANUARY	2018
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____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

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 217**

Plan No. 1



Top Priorities

North Pender Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Land Use Planning for Waste Management	Identify land to be zoned for solid waste transfer facilities. Involves coordination with the Capital Regional District Solid Waste Management planning process.		Justine Starke	
2	Housing	This is a broad scope project focused on housing; the first priority was consideration of vacation rentals in residential zones (COMPLETED). The LTC will now consider permitting secondary suites on North Pender.	03-Feb-2015	Justine Starke	
3	First Nations Interests	LTC to consider First Nations issues and interests affecting North Pender.	24-Nov-2016		

**Projects****North Pender Island**

Description	Activity	R/Initiated
Potable Water		29-Oct-2015
Conservation Subdivisions	Continue exploring 2013-2014 work on conservation subdivisions. Consult with community on recommendations for LUB and OCP amendments.	03-Feb-2015
Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	22-Jan-2009
Other OCP projects: 1. View corridor review 2. Parks and Conservation area review 3. Pedestrian and Cycle paths - DONE 4. Groundwater protection strategy 5. Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft) 6. Marine riparian areas		22-Jan-2009
Agricultural Building Watercourse Setbacks		28-Jul-2011
Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	22-Feb-2012

**Projects****North Pender Island**

Description	Activity	R/Initiated
LUB Amendments	·review of industrial zoning, including waste management ·tourist commercial zoning review ·home industry regulation ·review of commercial (C1) zoning ·incorporate TUP's into zoning ·landscape screening review ·review of marine zoning regulations in conjunction with overall shoreline 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	22-Mar-2012
Road Side Signs		26-Apr-2012
Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	28-Jun-2012
LUB/OCP Amendments Related to Roadway and Transportation Initiatives	·NZEV designation ·Level 2 Charging Stations ·Additional Car Stop Locations ·Additional Bicycling-Walking Routes ·Heritage Roads ·Road standards in subdivision servicing regulations ·Related policy and regulatory options	20-Sep-2012

Item 10.1 LUB Technical Amendments Project: Bylaw Enforcement Manager to provide a report regarding the applicability of the NPILTC Bylaw Infraction Investigations Bylaw No. 54, 1990, including recommended amendments.

Projects

North Pender Island

Description	Activity	R/Initiated
Shoreline information communications (QR Codes)	Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones	
Climate Change Adaptation and Community Resilience	Review available baseline data and consider policy and regulatory land use changes to address climate change adaption and community resilience	22-Jan-2009



Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2017.3	Datawave Communications Inc. Inc. No. BC0287893 (Driessen) Planner: Phil Testemale	18-Aug-2017	Single Family Dwelling
Planning Status			
Status Date: 15-Nov-2017 Applicant obtaining geotechnical assessment report			
Status Date: 17-Oct-2017 Request for further information (geotechnical assessment) sent to applicant			
Status Date: 13-Sep-2017 Waiting for survey information to process file			

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.1	Mark & Margaret Driscoll Planner: Phil Testemale	02-Feb-2018	Obtain a DP for addition to home.
Planning Status			
Status Date: 22-Mar-2018 RAR report received			
Status Date: 02-Feb-2018 opened file, electronic funds processed. RPM to assign planner			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2017.3	BRAD JOHNSON	13-Jun-2017	Variance required for access stairs to lower main deck of existing pathway, stairs and dock.

Applications

Planner: Phil Testemale

Planning Status

Status Date: 22-Feb-2018

Site meeting with owner scheduled for March 5, 2018

Status Date: 09-Jan-2018

Sent reminder to applicant requesting status

Status Date: 15-Nov-2017

Applicant consulting owner about how to proceed.

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2018.1	ADRIENNE ATHERTON / CIVIC LEGAL LLP	09-Mar-2018	1117 Walden Road (Drora Aronowicz, owner) - improvements/upgrade to south patio and main stone patio of single-family dwelling

Planner:

Planning Status

Status Date: 06-Apr-2018

Assembled full application package e-file and emailed to LTC.

Status Date: 05-Apr-2018

Emailed scanned receipt and cheque to Applicant, mailed original; created hard file, gave to Robert K to assign to Planner.

Status Date: 04-Apr-2018

Received application package from Warren D.; created e-folder in LAN. Issued receipt for cheque, pink copy to Finance and original scanned with cheque for e-files.

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.1	Mainroad South Island Contracting	11-Jan-2016	3323 PORT WASHINGTON RD

To change from a TUP to permanent zoning for works yard.

Planner: Phil Testemale

Planning Status

Applications

Status Date: 08-Mar-2018

Applicants request application to be placed in abeyance pending decision on renewing contract

Status Date: 14-Feb-2018

Proposals made to applicant about alternatives - awaiting response.

Status Date: 09-Jan-2018

Consulting with applicant about uses and rezoning boundary as outcome from PH.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.2	PORT BROWNING MARINA RESORT LTD INC.NO. BC1037734	09-May-2016	4605 OAK RD Rezone the water lot adjacent to the current Marina
Planner: Phil Testemale			

Planning Status

Status Date: 14-Feb-2018

Covenants on February 22, 2018 agenda for acceptance and signing authority. Bylaw 206 (marina)final approval pending register of covenants. Bylaw 207 and 208 awaiting Ministerial signature.

Status Date: 09-Jan-2018

Covenants drafted and revised. Applicants working on access agreements for Pool and Sailing Assn.

Status Date: 19-Jul-2017

Bylaws 206 through 210 approved by EC. 207 and 209 to be forwarded by PTA to Minister.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.3	MILL BAY MARINE GROUP c/o HENSHAW	20-May-2016	4602 and 4606 and 4605 Oak Road 005-636-639 Request that area zoned SD(a) passing through lots 3 and 4 be re-aligned to be adjacent to the westerly boundaries AND rezone the part of lot 3 that sits NE of Oak Rd to be C3(a).

Planner: Phil Testemale

Planning Status

Applications

Status Date: 19-Jul-2017

Bylaws approved by EC. 209 to Minister for Approval

Status Date: 15-Jun-2017

Bylaws 206 through 210 to July 19 EC for approval.

Status Date: 20-Apr-2017

Report to LTC for consideration of second reading.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.4	PENDER ISLAND COMMUNITY SERVICE SOCIETY PICSS c/o RAE Planner: Phil Testemale	27-Oct-2016	4605 BEDWELL HARBOUR RD - OCP AND LUB Amendment from Rural to Community Service Zoning

Planning Status

Status Date: 23-Nov-2017

Bylaws receive further reading, forwarded to EC and Minister

Status Date: 15-Nov-2017

CIM and Public Hearing Scheduled for November 23 LTC

Status Date: 02-Oct-2017

Bylaws 211 and 212 drafted - First Reading given at September 21 LTC. Direction to schedule PH and refer bylaws.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2018.1	ADRIENNE ATHERTON / CIVIC LEGAL LLP Planner:	09-Mar-2018	1117 Walden Road (owner: Drora Aronowicz) - deck structure within 15m of shore boundary; deck structure within Water Zone 1

Planning Status

Status Date: 06-Apr-2018

Assembled full application package e-file and emailed to LTC.

Status Date: 05-Apr-2018

Emailed scanned receipt and cheque to Applicant, mailed original; created hard file, gave to Robert K to assign to Planner.

Applications

Status Date: 04-Apr-2018

Received application package from Warren D.; created e-folder in LAN. Issued receipt for cheque, pink copy to Finance and original scanned with cheque for e-files.

Subdivision

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

Planning Status

Status Date: 09-Jan-2018

Awaiting information on driveway status

Status Date: 22-Jun-2017

Update meeting with applicant - todays date

Status Date: 21-Mar-2017

PLA extension requested by applicant. Staff comments sent to MOTI stating no amendments to Island Trust conditions in PLA are required.

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: 09-Jan-2018

Awaiting Ministerial signature

Status Date: 19-Jul-2017

Bylaws approved by EC

Status Date: 19-Jul-2017

Bylaws approved by EC. 207 to Minister for Approval.

File Number	Applicant Name	Date Received	Purpose
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Applications

NP-SUB-2017.1 DAVID G 16-Mar-2017 3210 ARMADALE RD - proposed subdivision to create 2 residential parcels

RICHARDSON EDNA

M HEMSWORTH

Planner: Phil Testemale

Planning Status

Status Date: 14-Feb-2018

DVP approved (January 30, 2018). 10 percent waiver on February 22, 2018 agenda. Proof of potable water, septic and drainage required.

Status Date: 09-Jan-2018

PLA received. DVP on Jan 25, 2018 LTC for consideration.

Status Date: 13-Sep-2017

Waiting for PLA. Required DVP Application has been submitted.

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: 02-Feb-2018

Referral response sent to MoTI.

Status Date: 16-Jan-2018

fees received, LTC notified, file passed to planner.

Status Date: 22-Dec-2017

file received from MoTI, fee request sent to applicant.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2017.2	WILMOTT	13-Jun-2017	Hooson Road - TUP for milling lumber.

Planner: Phil Testemale

Planning Status

Applications

Status Date: 14-Feb-2018

Draft permit and notice prepared. Mail out and newspaper ad for March 22, 2018 LTC Regular Meeting.

Status Date: 23-Jan-2018

Applicant out of country for Jan meeting. Applicant's son has requested be at meeting. Notice to be sent posted in paper for March 22 LTC

Status Date: 18-Oct-2017

Site visit conducted October 5. Further information requested. Notice (tentative) to be sent for November 23 LTC

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2018.1	Mary June Pettyfer c/o Robin Pettyfer	25-Jan-2018	TUP for STVR

Planner: Jason Youmans

Planning Status

Status Date: 20-Feb-2018

Site visit

Status Date: 26-Jan-2018

notified LTC, planner and bylaw of application.

Status Date: 25-Jan-2018

opened file, processed fee, awaiting planner assignment from RPM.

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2018.2	LESLIE A HEPBURN	26-Feb-2018	TUP for STVR

Planner: Jason Youmans

Planning Status

Status Date: 08-Mar-2018

File reviewed

Status Date: 28-Feb-2018

Open file, process fees, awaiting planner assignment

File Number	Applicant Name	Date Received	Purpose
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Islands Trust

Print Date: April 19, 2018

Applications

NP-TUP-2018.3 NEIL PEGRAM 27-Mar-2018 4729 Buccaneers Road - single detached home/cottage to be used as short-term vacation rental

Planner: Phil Testemale

Planning Status

Status Date: 04-Apr-2018

Hard file received from Robert, advised to assign to Phil; file left in Phil's office.

Status Date: 03-Apr-2018

Efile payment received from Applicant today; payment confirmed by Finance, added to file. Application package emailed to Trustees, hard file given to Robert to assign to Planner.

Status Date: 27-Mar-2018

Printed out and created application file; applicant will pay through Interac, also needs to submit full State of Title Certificate.

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending February 2018

650 North Pender	Invoices posted to Month ending February 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	1,500.00	31.80	1,468.20
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	4,000.00	3,694.51	305.49
65210-650	LTC - Local Exp - APC Meeting Expenses	600.00	377.10	222.90
65220-650	LTC - Local Exp - Communications	500.00	0.00	500.00
65230-650	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>5,600.00</u>	<u>4,071.61</u>	<u>1,528.39</u>
Projects				
73001-650-2006	North Pender OCP/LUB	5,000.00	0.00	5,000.00
73001-650-4054	North Pender Waste Management Review	7,000.00	6,458.02	541.98
73001-650-4086	North Pender Secondary Suites Review	5,000.00	345.89	4,654.11
73001-650-4087	North Pender Housing Needs Assessment	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>19,000.00</u>	<u>6,803.91</u>	<u>12,196.09</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 authorizes 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.



**Trust Fund Board Report
to Local Trust Committees
and Bowen Island Municipality
April 2018**



‘Salish View’ Acquisition Project, Lasqueti Island

Following the successful conclusion of the Fairyslipper Forest acquisition partnership on Thetis Island, our next joint campaign is underway on Lasqueti Island. The Trust Fund Board and Lasqueti Island Nature Conservancy have signed an agreement to frame the campaign to purchase and protect “Salish View”, an 11.6 hectare property contiguous to Squitty Bay Provincial Park. Look out for the upcoming official launch of this campaign and visit the Lasqueti Island Nature Conservancy website (<http://www.lasqueti.ca/LINC>) to learn how you can support this small community’s ambitious project.

Opportunity Fund Grant for Saturna Wetland Conservation Project

The Trust Fund Board is contributing a grant from the Opportunity Fund to support a phase one environmental assessment for a property containing wetland ecosystems on Saturna Island. This is the first step towards the possible securement of this land, which supports valuable biodiversity. The project is being spearheaded by neighbourhood residents.

Dragonfly Commons Conservation Proposal, Salt Spring Island

There are times when the Trust Fund Board makes the difficult decision to decline a conservation proposal. The Trust Fund Board decisions must balance the protection of biodiversity values in accordance with the Regional Conservation Plan, with potential risks and long-term costs, such as property management challenges. TFB considered a proposal to covenant approximately half of a property to be developed as a high density affordable housing project. The small size, landscape context and complexity of eventual ownership were factors that led to a TFB decision to decline this proposal

Fairyslipper Forest Nature Reserve, Thetis Island

Negotiations are beginning with Thetis Island Nature Conservancy and Cowichan Community Land Trust to establish a conservation covenant on Fairyslipper Forest.

Medicine Beach Nature Sanctuary, North Pender Island

Public consultation for the Medicine Beach nature reserve is now complete and the management plan for this nature reserve is being finalized.

Morrison Marsh Nature Reserve, Denman Island

Public consultation for the Medicine Beach nature reserve is now complete and the management plan for this nature reserve is also being finalized.

First Nations – Regional Conservation Plan

A goal of our new Regional Conservation Plan (RCP) is to strengthen relationships with First Nations to identify and collaborate on shared conservation goals. Letters are being sent to all First Nations with traditional territory in the Trust Area to provide information about the RCP and offer available mapping for sharing. The Islands Trust Fund would like to connect with First Nations that might have an interest in the RCP. If local trust committees or Bowen Island Municipality are developing relationships with First Nations, it would be helpful to explore how ITF can use this opportunity to connect.

Regional Conservation Plan and Local Trust Committees and BIM

The RCP contains a lot of valuable information for local trust committees and Bowen Island Municipality, but it is a large, comprehensive document. Islands Trust Fund will be extracting information and maps pertinent to each local trust area and BIM that can be included on local website pages. The Trust Fund Board encourages LTCs and BIMs to identify how Official Community Plans can be updated to reflect new information contained in the RCP and associated data and mapping. ITF will also be producing a summary brochure on the RCP.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca

To:	Local Trust Committees	For the Meeting of:	Various
From:	David Marlor, LPS Karen Hurley, TAS	Date Prepared:	March 2, 2018
SUBJECT:	Land-use planning implications of Fisheries and Oceans Canada <i>Integrated Geoduck Management Framework 2017</i>		

PURPOSE: To inform local trust committees about the land-use implications of the of Fisheries and Oceans Canada *Integrated Geoduck Management Framework 2017*

BACKGROUND:

At the November 2, 2017 meeting the Executive Committee requested that:

Local Planning Services and Trust Area Services staff collaborate on the preparation of a briefing for local trust committees about the land-use planning implications of the DFO 2017 Integrated Geoduck Management Framework.

The Fisheries and Oceans Canada (DFO) *Integrated Geoduck Management Framework 2017* (IGMF) guides the management of geoduck clam aquaculture, including siting guidelines for new applications for inter-tidal and sub-tidal geoduck aquaculture, as well as for applications for size increases to existing shellfish aquaculture operations.

Currently in the Islands Trust Area, most shellfish aquaculture tenures are limited to Baynes Sound because this area has the best conditions for the raising of these types of shellfish. Wild geoduck clams are more widespread in the Islands Trust marine areas, and, under the IGMF, there is potential for geoduck clam aquaculture operations to be installed in wild geoduck habitats. As a result, staff expects that Geoduck clam aquaculture tenures could be applied for in many other locations throughout the Trust Area but would be influenced and/or limited by:

- appropriate ecological/substrate conditions;
- zoning; and
- the DFO IGMF 2017, which identifies areas available for geoduck clam aquaculture applications.

With release of the DFO Integrated Geoduck Management Framework 2017, applicants are now able to apply for aquaculture licenses throughout the B.C. coast, including the Trust Area. Shellfish aquaculture is now under the exclusive jurisdiction of DFO to manage the fishery and provide licenses to operators. The province issues tenures for the sites and manages the harmonized application process.

There are existing aquaculture licenses that include geoduck clams among many possible species that could be implemented at this time on many Gulf Islands, including: Lasqueti, Hornby, Salt Spring, and Denman. There are also many islands that have existing aquaculture licenses that do not currently include geoduck clams; however, operators could apply to have them added to the license, including: Thetis (5), Gabriola (1), Salt Spring (4 including one at Burgoyne Bay) and many near Denman.

Attached are maps of the Islands Trust Area, indicating areas that currently permit aquaculture and/or limited aquaculture.

Under IGMF 2017, there is also the potential for the opening up of wild geoduck areas to DFO applications for both intertidal and subtidal geoduck clam aquaculture licenses in various sites in the Trust Area by First Nations (red zones) and all operators (yellow and non-colour areas on attached maps).

DFO staff, however, is not expecting a large number of new or amendment applications for geoduck clam aquaculture and have advised that throughout BC there “are currently 57 facilities licensed for geoduck. Of this, 25 are licensed for intertidal, of which only 6 have approved harvest plans, and only 2 have ever reported production, the last being in 2015.” DFO staff has also confirmed that “the addition of geoduck to an existing licence requires an amendment with full DFO review. Any proposed addition of non-standard infrastructure (including geoduck tubes) would also trigger a review of the application by the BC government.

Implications of the IGMF

In British Columbia, the province has responsibility for issuing tenures for aquaculture and the federal government has responsibility for issuing licenses for the operation and management of aquaculture.

Under s.479 of the *Local Government Act*, local trust committees have the authority to zone the surface of the marine areas. However, aquaculture is a federally regulated industry and local zoning cannot infringe on the federal authority. Therefore, local trust committees are limited to determining the location that it deems suitable for aquaculture operations but cannot restrict the species grown in the tenure area. Local trust committees could regulate siting and size of buildings and structures as part of its s.479 authority, provided that such regulations do not restrict the aquaculture operations as licensed by the federal government.

Any areas suitable for geoduck clam aquaculture that are already zoned for aquaculture uses could be used to grow and harvest geoduck. Operator licenses may already include geoduck clams, or they could be added to the aquaculture license, likely without a referral process.

Areas that are not zoned for aquaculture would require a rezoning application before they could be used for aquaculture (including geoduck clams).

ATTACHMENT(S):

1. 2018 Island Trust water zoning maps (with index map)
2. Staff report on potential impacts associated with geoduck clam aquaculture in the Islands Trust Area, November 12, 2017
3. Fisheries and Oceans Canada *Integrated Geoduck Management Framework 2017* (IGMF)
4. IGMF Maps associated with Islands Trust Area -- Pacific Fisheries Management Areas: attached and at DFO website
 - a. 14 South - Denman, Hornby, Lasqueti, N. Thormanby Islands
 - b. 16 - Denman, Hornby, Lasqueti, N. Thormanby Islands
 - c. 17 - Gabriola, Galiano, Mudge and Thetis Islands
 - d. 18 - Saturna, Salt Spring Islands (all SSI Conditional Closure)
 - e. 19 - James, Sidney Islands

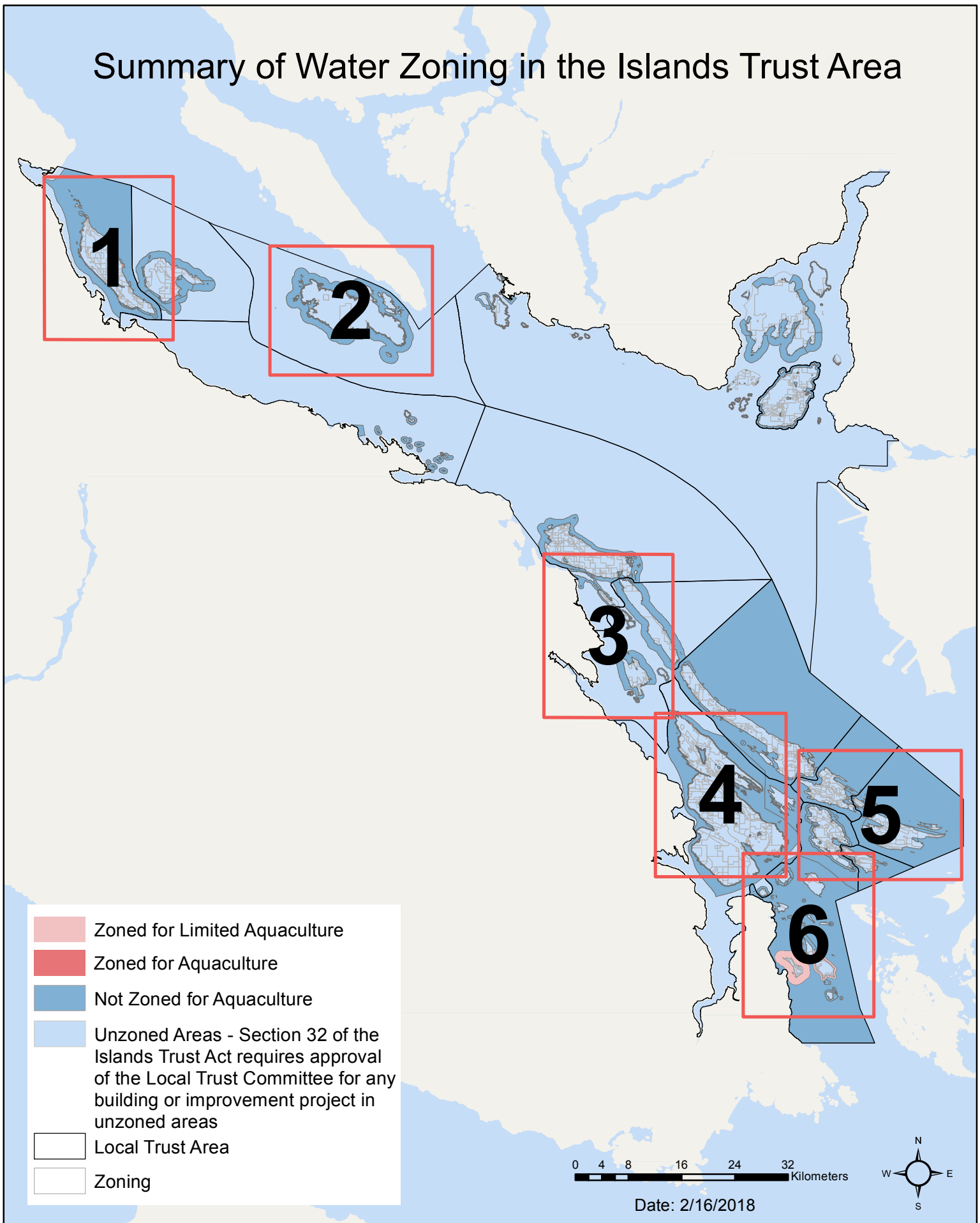
FOLLOW-UP:

TAS staff will continue to monitor any new information on geoduck clam aquaculture. Further follow-up at the direction of Local Trust Committees.

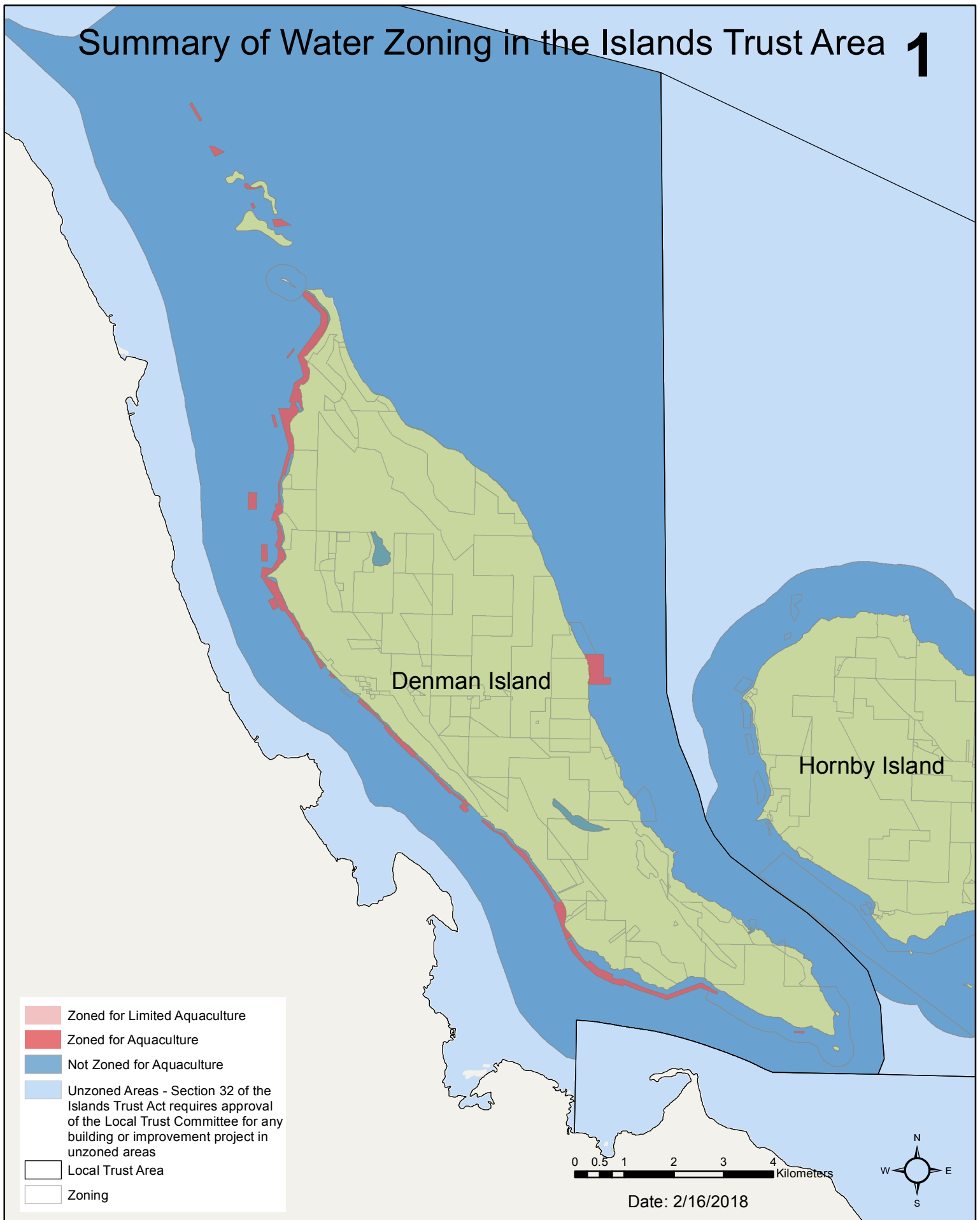
Prepared By: David Marlor, Local Planning Services
Karen Hurley, Trust Area Services

Reviewed By/Date: Clare Frater, Trust Area Services, March 5, 2018

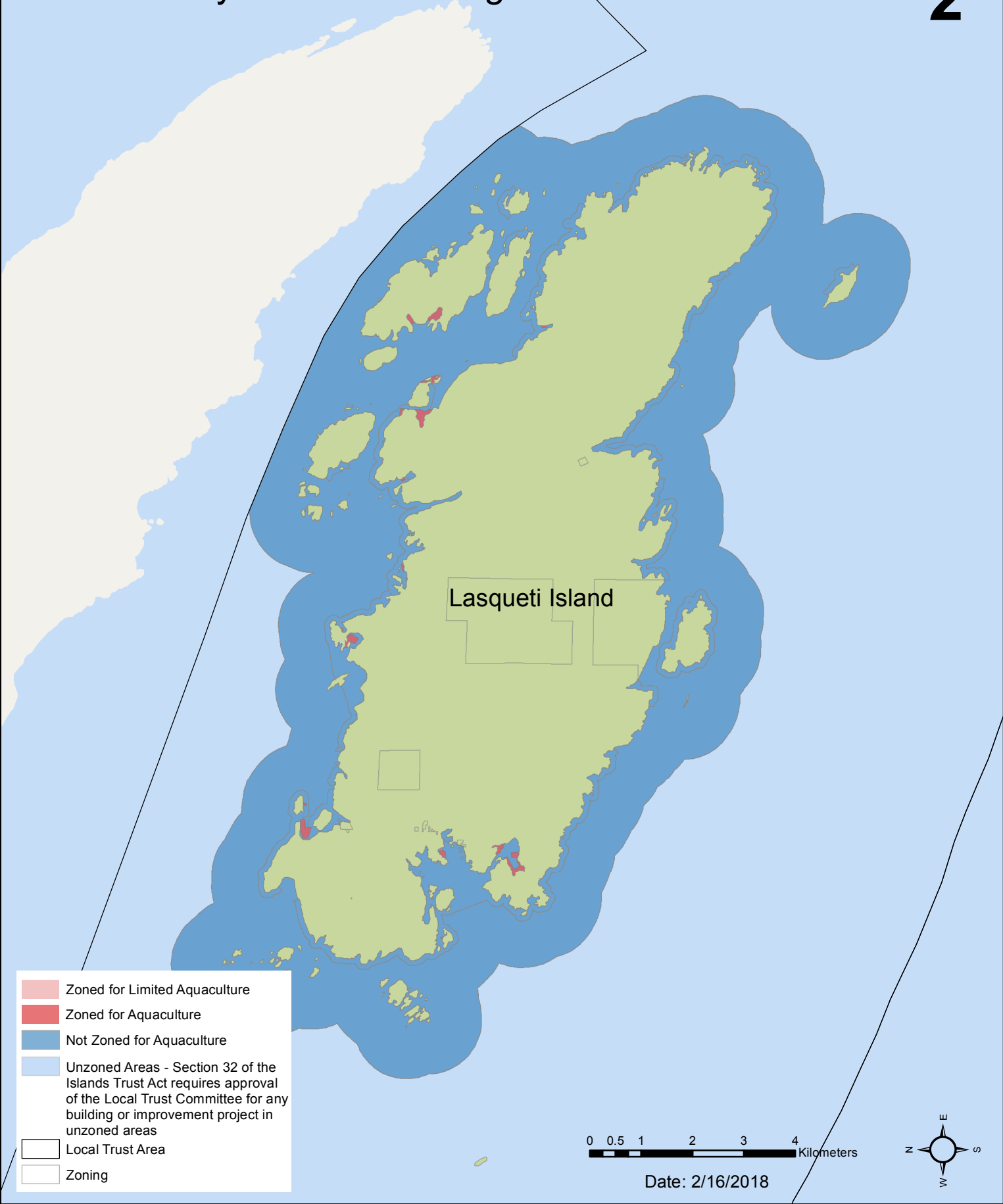
Summary of Water Zoning in the Islands Trust Area



Summary of Water Zoning in the Islands Trust Area 1



Summary of Water Zoning in the Islands Trust Area **2**



Summary of Water Zoning in the Islands Trust Area **3**

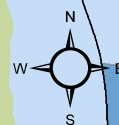
Gabriola Island

Thetis Island

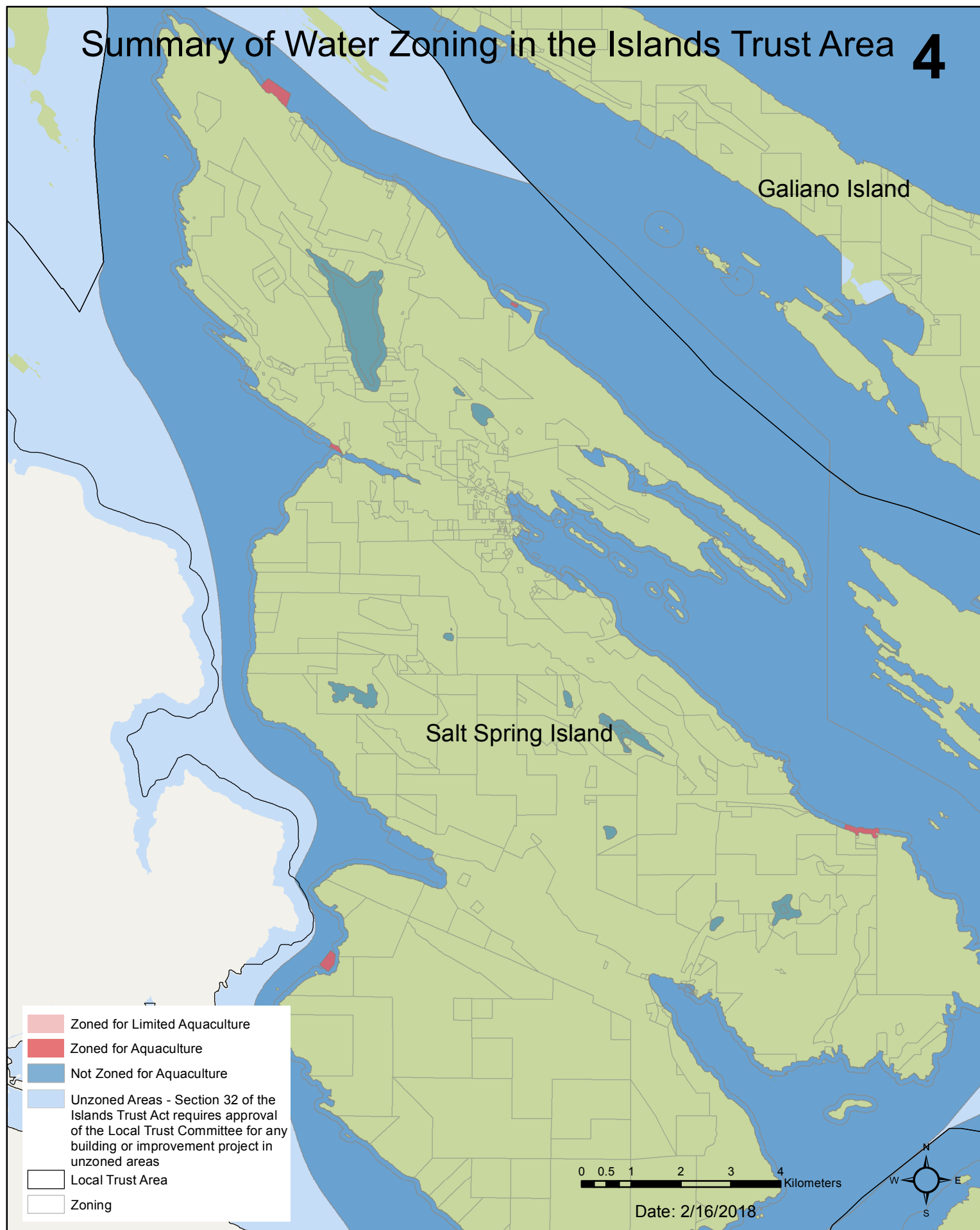
-  Zoned for Limited Aquaculture
-  Zoned for Aquaculture
-  Not Zoned for Aquaculture
-  Unzoned Areas - Section 32 of the Islands Trust Act requires approval of the Local Trust Committee for any building or improvement project in unzoned areas
-  Local Trust Area
-  Zoning

0 0.5 1 2 3 4 Kilometers

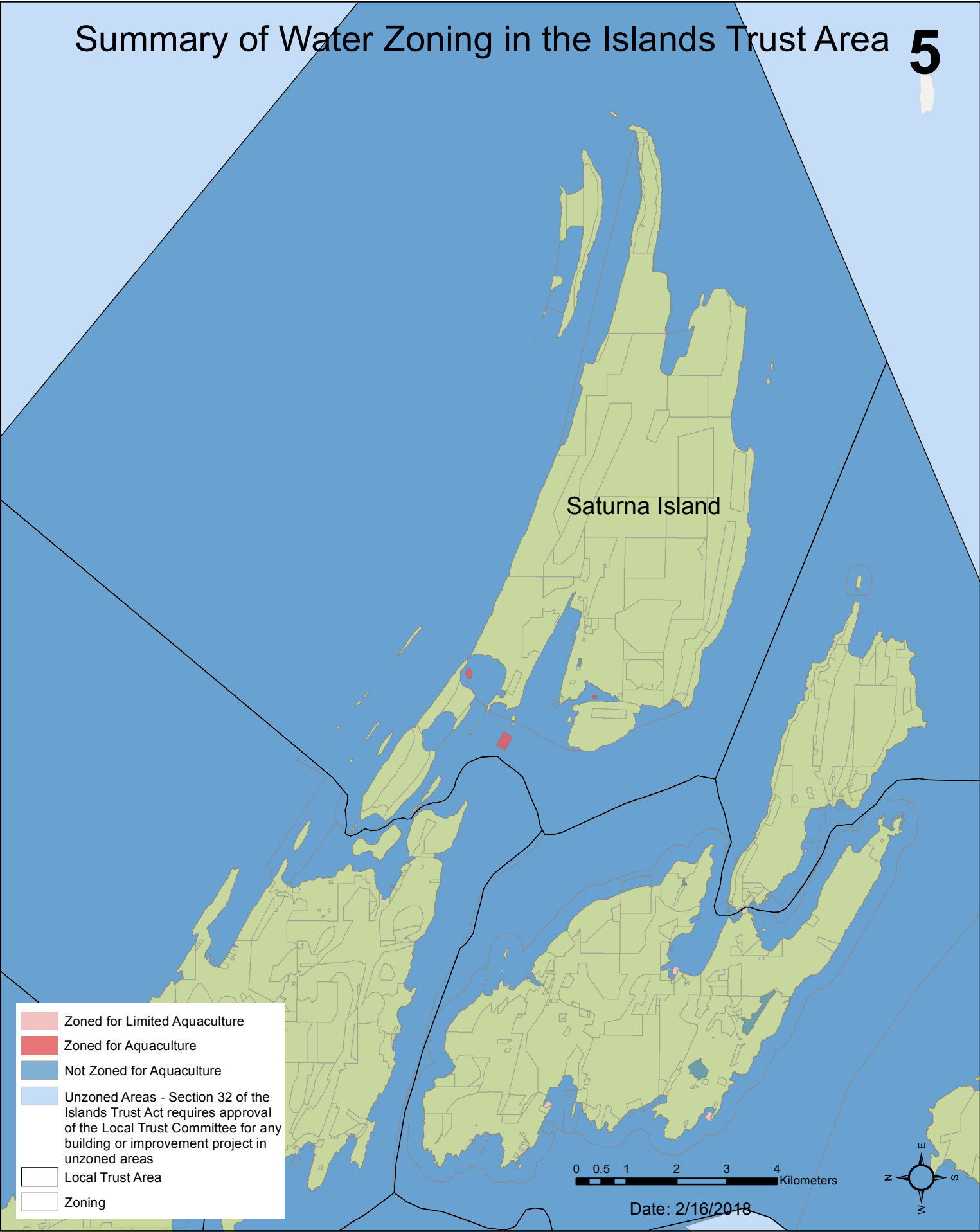
Date: 2/16/2018



Summary of Water Zoning in the Islands Trust Area 4



Summary of Water Zoning in the Islands Trust Area 5



Summary of Water Zoning in the Islands Trust Area 6

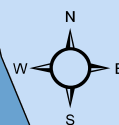
Salt Spring Island

Sidney Island

-  Zoned for Limited Aquaculture
-  Zoned for Aquaculture
-  Not Zoned for Aquaculture
-  Unzoned Areas - Section 32 of the Islands Trust Act requires approval of the Local Trust Committee for any building or improvement project in unzoned areas
-  Local Trust Area
-  Zoning

0 0.5 1 2 3 4 Kilometers

Date: 2/16/2018



Staff report on potential impacts associated with geoduck clam aquaculture in the Islands Trust Area

**By Karen Hurley, PhD, Senior Policy Advisor
November 12, 2017**

On June 21, 2017, the Islands Trust Council requested Executive Committee to investigate the potential impacts associated with geoduck aquaculture in the Islands Trust Area and, as appropriate, initiate advocacy.

This report has been produced using review of the latest scientific peer-reviewed research on impacts from geoduck clam aquaculture, as well as conversations and meetings with staff from the Department of Fisheries and Oceans (DFO), the BC Ministry of Agriculture, the BC Ministry of Forests, Lands and Natural Resources Operations and Rural Development (FLNRORD), Vancouver Aquarium and members of the Association of Denman Island Marine Stewards. *Given the limited staff time available for this project, and the lack of definitive science, this report offers only an overview of potential impacts and highlights area worthy of further study.*

During a review of the issue, two major themes emerged: there is uncertainty as to the expected scale of the industry now that DFO's 2017 Geoduck Integrated Management Framework is in force and therefore there is uncertainty about the, scale of the potential impacts. There is also uncertainty about the extent to which geoduck aquaculture might occur in the intertidal zone.

The potential impacts discussed in this report include damage to habitat vital to other species including herring, reduced bird foraging, microplastic contamination, human health, chemical contamination, garbage and ocean acidification.

It is worth noting at the outset that, to date, there are no studies that evaluate the potential impacts of geoduck aquaculture at the ecosystem level or the cumulative impacts of an expanded industry in the Salish Sea, though most researchers call for this level of study to be done.

A description of geoduck clam aquaculture practice is attached as Appendix 1.

Geoduck aquaculture has taken place in British Columbia since the early 1990s. In that time, interest in geoduck aquaculture has continued to grow as demand for the giant clam, especially in China, has sent prices soaring. Many, including Trust Area First Nations, see the emerging geoduck aquaculture industry as a significant opportunity for economic development and long-term employment for local residents. Compared to Washington State the industry in BC is at an early stage, but with the recent approval of a DFO Integrated Geoduck Management Framework 2017 (IGMF) is poised to expand.

There are concerns in island communities that DFO has insufficiently considered ecosystem and cumulative impacts. In creating the IGMF, DFO chose to limit their consideration and scientific analysis geoduck aquaculture at the policy level to the principle of 'conservation', which was narrowly defined: "conservation and long-term sustainability of wild geoduck stocks is the first priority." No mention is made in the IGMF of protection of the marine environment, fish habitat or human health. DFO staff advises that broader ecological impacts will be assessed at the licence application level. This raises concern that assessment at the individual licence will result in insufficient consideration of cumulative impacts regionally.

Concerns about geoduck aquaculture impacts are not new. In 2007, the BC Legislature's Special Committee on Sustainable Aquaculture [recommended](#) that:

"No new species are to be approved for commercial aquaculture without a consensus of independent peer-reviewed science demonstrating that the potential impact on the marine environment is minimal". (7.5)

Recently approved geoduck clam tenures must be rescinded until conditions in Recommendation 7.5 are met". (7.6)

Staff's review of the available science did not result in an impression that there is scientific consensus that the potential impacts of intensive aquaculture in the Trust Area, including geoduck aquaculture, are certain to be minimal. Staff noted that many articles conclude with calls for additional research. As far as staff knows at this time, the 2007 recommendation to rescind the approved geoduck clam tenures was not acted on.

There are also strong feelings in island communities about aquaculture impacts generally. Residents are concerned that, in the past, aquaculture operators have not taken responsibility for lost equipment/garbage and that DFO is insufficiently monitoring and enforcing conditions of the licenses. Residents also seem to have a lack of trust in the adequacy of the federal government's oversight of aquaculture, due to changes to the *Fisheries Act* in 2012 that significantly [weakened](#) the federal government's role in fish habitat protection. There also appears to be a lack of clarity with members of the public regarding the respective roles and authorities of DFO, FLNRORD and Islands Trust.

Potential impacts of geoduck clam aquaculture

A summary of potential impacts identified by staff is below:

1. Potential damage to habitat vital to other species, including herring

There is limited local data available about habitat impacts associated with the geoduck industry so staff reviewed articles about impacts in Puget Sound, a nearby region that has more experience with intensive geoduck clam aquaculture. A review of the scientific literature related to geoduck aquaculture in Puget Sound reveals that there is an active debate among scientists as to the severity of the impacts or potential impacts. That said, most of the scientific reports call for additional research on ecological impacts even as geoduck aquaculture intensifies. Key among these are:

- *MacDonald et al.* (2013) report negative impacts on fish and snail habitat by geoduck aquaculture gear and suggest further research to understand impacts to forage fish populations.
- *Dethier et al.* (2007), marine scientists, raised [concerns and questions](#) about geoduck aquaculture impacts to habitat, marine species and ecosystem functions. Staff understands these questions remain unanswered.

In 2013, DFO scientists conducted a one-year study on potential impacts of geoduck clam intertidal aquaculture in a small study area (not a large commercial operation) near Nanoose, BC. This study concluded that there are limited ecologically-significant effects of intertidal geoduck aquaculture. The exceptions found were that after liquefaction of the geoduck site during harvesting the sediment structure took 123 days to recover, and that there was a lack of seasonal increase in infaunal (beings that live in the sand such as forage fish) abundance and richness after harvesting. The study recommended more research on a larger scale.

Robinson et al. (2013) describe how Pacific sand lance do not have a swim bladder, so when they are not foraging they bury into the intertidal or subtidal sand and they also aestivate in the sand (like hibernation) when food is scarce. A reduced number of forage fish and invertebrates living in the sand and finer ocean floor sediments after liquefaction from the stingers (inserted to a one metre depth) is not surprising because their habitat has been significantly changed. As *Dethier et al. (2007)* write: organisms in the intertidal zone are adapted to small scale disturbances – this large scale disturbance with stingers is not part of their evolutionary history.

Staff notes that it remains unclear whether geoduck aquaculture will occur in the intertidal zone. Although not specific to the geoduck industry's activities, a 2002 review of BC shellfish aquaculture in Baynes Sound assigned the impacts of site clearing with a rake and other harvesting activity as High Severity on forage fish intertidal habitat.

Doug Hay, PhD, who spent most of his career as a research scientist with DFO, and who continues to serve as scientist emeritus addressing issues related to herring and other forage fish, cautions that pertinent environmental impact analysis of risks to forage fish species have never been done. He suggests that nobody knows if geoduck aquaculture could jeopardize the amount and quality of spawning habitat for herring or other forage fish species such as surf smelt or sand lance, but that, the loss of vital spawning habitat could lead to declines in abundance of forage fish species, including herring, which in turn could impact other species, especially seabirds. Within the Trust Area, forage fish provide up to 50% of the diet of Chinook salmon that are the primary food of the Southern Resident orcas. Using spawning records back to 1928, Dr. Hay explains that the most important herring spawning areas occur on only 10% of the total BC coastline. *Lambert Channel, between Denman and Hornby Islands, is the largest area of herring habitat in BC with 35% of BC's total herring spawning area.* In addition, Dr. Doug Hay cautions that, collectively, we are all taking herring for granted, especially in the Strait of Georgia, and taking big risks with geoduck aquaculture in herring spawning areas. He recommends additional research on this topic.

The IGMF permits geoduck aquaculture in many parts of the herring spawning area of Baynes Sound and Lambert Channel (Denman and Hornby Islands). This is herring habitat that is defined as Vital by DFO.

2. Potential impacts to species due to reduced foraging

There is also concern that intensive intertidal geoduck aquaculture may negatively impact birds through alienation of foraging habitat in the inter-tidal zone as well as birds being caught in the predator netting. Baynes Sound and other marine areas within the Trust Area are important bird habitats. .

Ferriss et al. (2016) undertook modelling for Puget Sound that found that the gear associated with geoduck aquaculture including PVC pipes and anti- predator nets may, if the already intensive industry more that doubles in that region, have an impact on the Puget Sound food web because of changing forage opportunities including a substantial decrease of most resident birds including great blue herons and reduction in wild salmon.

There is widespread use of netting in the aquaculture industry. Given this, staff was interested to read studies that the anti-predator nets (APN), which were created to reduce bird and crab predation of aquaculture clams, have not been effective in reducing bird foraging behavior or crab predation. In fact, the nets have increased the number of small predatory crabs in Baynes Sound to the point that Dr. Leah Bendell (2014) suggests that “it is likely that maximum bivalve productivity within Baynes Sound has been reached in that any further gains hoped to be achieved through seeding will not be realized as a consequence of predation.”

Staff also learned that in a 2015 study, also focused on Baynes Sound, Dr. Bendell, documents how the anti-predator nets degrades the sediment geochemical characteristics, are hazards to wildlife and humans, and provides a place for sea lettuce to take hold, which contributes to poor water quality and a likely loss of ecological function on the sea bed. More research is recommended by the author.

3. Microplastic contamination

The plastic anti-predator netting and PVC pipes used in inter-tidal geoduck aquaculture may impact the marine environment as they break down in the saltwater and sun exposure. A recent research paper from Washington State explains that the “contribution from larger marine plastic debris to microplastic formation is greatest on beaches where UV light and wave action can enhance degradation.” According to Feldman (2002) PVC is a poorly photostable polymer especially the matt finish PVC, like the ones used in geoduck aquaculture, and can be severely weathered in outdoor uses where weathering is caused by heat, mechanical action (waves), algae and their enzymes (biodegradation). During a visit to Baynes Sound in early August, staff observed abandoned and in-place anti-predator netting and PVC pipe sections that were exposed to wave action and sunlight and, as a result, were in various states of weathering.

A 2014 paper by Jean-Pierre Desforges, Peter Ross, Vancouver Aquarium researcher, and others, documented extremely high levels of microplastics in the Strait of Georgia, of which 80% is fibrous plastics. In a 2015 paper by the same researchers found that zooplankton are eating these microplastic particles. Dr. Ross also explained to staff that researchers have found that the type of microplastic differs according to where you are looking. For example PVC microplastic is denser than water and therefore tends to be found in the sediments, while fibres are more buoyant and are found in the water column. Dr. Bendell argues that aquaculture plastic gear including ‘oyster blue’ rope, netting, and plastic net bags are contributing to the highly fibrous composition of microplastics in Baynes Sound. All of the researchers suggest that additional research is required, especially in terms of ecological consequences.

DFO and the BC Shellfish Growers Association also recognise that aquaculture gear may be a source of microplastics. In 2016 they initiated a collaboratively funded research project to investigate: *Microplastics and Shellfish Aquaculture: Presence, Extent, Potential Impacts and Mitigation Measures* including the type of microplastics and potential sources. The research is expected to be completed by December 31, 2017.

4. Human health

If undertaken, intertidal geoduck clam installations would involve anti-predator nets to protect the juvenile geoducks. There is a human health concern associated with the rebar used to hold the anti-predator nets (APN) in place because it tends to erode quickly at the bend and then break off, forming a point. These points are hazardous if stepped or fallen on – as happened on Denman Island twice in the summer of 2017 in clam tenures.

5. Chemical contamination

Lead line is a product used to attempt to hold the netting in place. This product is used throughout the fishing industry. It is made of a loosely braided nylon with lead balls inside. In the intertidal zone, if the nylon braid erodes there is a risk of [animals or birds ingesting](#) the lead balls. Future research is warranted.

6. Garbage

Garbage and gear abandonment is a long standing aquaculture issue, acknowledged by provincial staff and addressed in the BC Shellfish Growers *Environmental Code of Practice*. Staff observed an unsuccessful geoduck operation intertidal zone on the south end of Denman Island where the gear was obviously abandoned and causing potential danger to humans, marine species and birds.



Abandoned geoduck aquaculture gear in the intertidal zone of Denman Island.



Lead line with anti-predator netting (APN)



APN: a hazard to humans and other species

All images Denman Island. Photo credit: Karen Hurley

7. Ocean Acidification

Marine research by *Bendell et al.* (2014) in Baynes Sound suggests that increased number of clams, including geoduck clams, could further increase acidification of the ocean. Climate change is increasing the [acidification of the ocean](#). Lower pH levels in the ocean threaten sea life, including shellfish, and in turn, acidification of the ocean may speed up climate change.

Emerging activities that will increase understanding of impacts:

On August 10th, 2017 the US Center for Food Safety launched a [lawsuit](#) against the US Army Corp of Engineers for approving a massive expansion of aquaculture, predominantly geoduck aquaculture, in Puget Sound without fully considering cumulative impacts across the state, including the use of pesticides.

As an outcome of the Herring forum hosted in February 2017 by the Association for Denman Island Marine Stewards, various stakeholders are considering possible methods to investigate the cumulative impacts of aquaculture on Baynes Sound. In November 2017, the Trust Programs Committee approved a project charter for a Baynes Sound/Lambert Channel forum project charter. It is expected that geoduck aquaculture will be one of the topics discussed.

There are upcoming opportunities for those involved in geoduck and other aquaculture to work in partnership for the health of marine ecosystems. These include a DFO working group on use of plastics in aquaculture and a planned 2018 Islands Trust/World Wildlife Fund Baynes Sound/Lambert Channel Forum that will bring together First Nations and other governments as well as industry and community stakeholders to identify issues and recommend solutions that will contribute to improving the health of the marine ecosystem.(Project charter attached).

It is possible that new research on this topic may be presented at the 2017 Salish Sea Ecosystem Conference in Seattle in April 2017.

Conclusion:

Staff's initial review of this topic reveals that, although as in any scientific topic there is ongoing debate, there are potential impacts associated with an expanded geoduck industry worthy of further study, particularly if there is to be farming in the inter-tidal zone. These include: negative impacts to herring spawning habitat, bird forage opportunities, contributions to the microplastics load, human health, contamination and garbage. There are also many long-standing requests for research into the potential ecosystem level and cumulative effects of geoduck clam aquaculture.

Attachments:

1. Appendix 1: How does geoduck clam aquaculture work?
2. Appendix 2: What part of the Trust is, or could be, available for geoduck aquaculture?
3. Appendix 3: Baynes Sound/Lambert Channel 2018 forum project charter
4. Link: [Integrated Geoduck Management Framework 2017](#)
5. Link: [Maps: Integrated Geoduck Management Framework](#)
6. Link: [Herring Spawning Map Lambert Channel and Baynes Sound](#)
7. Link: [April 2014 letter from Islands Trust Chair to DFO re draft Integrated Geoduck Management Framework](#)

Appendix 1

How does geoduck clam aquaculture work?

The geoduck is the world's largest burrowing clam and one of the longest lived species: maximum age recorded is over 140 year. It is now a lucrative wild fishery in the luxury food market. It is generally not consumed locally, but predominantly flown to consumers in China, and therefore, is expected to have a very high carbon footprint.

Aquaculture trials have been underway in BC for 18 years and geoduck hatcheries exist in BC, including Baynes Sound. It is unknown at this time what type of geoduck aquaculture will be conducted within the Islands Trust Area. DFO and FLNRO staff have indicated that there will likely not be much intertidal geoduck aquaculture, especially on the large scale conducted in Puget Sound but that small intertidal areas are possible, and subtidal aquaculture could be conducted. Both are untried methods in the Islands Trust Area and staff observed a failed and abandoned geoduck intertidal installation on Denman Island.

Geoduck aquaculture in the intertidal zone involves placing hatchery-raised juvenile geoduck clams into PVC pipes (that have been inserted into the sand with an auger), sometimes each PVC pipe is covered with a fine net under a rubber band, and then the entire area is covered with anti-predator nets (APN). Attempts are made to hold the APN in place with bent rebar and sometimes with lead line. The intertidal PVC pipes and predator nets are kept in place for 18 months to two years. Subtidal geoduck aquaculture, involves divers placing the hatchery juvenile geoducks in the sand and then installing a mesh 'canopy net' over the area. Industry standards do not exist yet for subtidal geoduck aquaculture as it is a new method.

The geoducks are then left to grow for five to seven years. During this time the site should be maintained to ensure that the netting is intact and not covered with algae or seaweed. In both intertidal and subtidal geoduck aquaculture (and similar to wild geoduck), once they reach suitable maturity the geoducks are removed by liquefying the sand with high pressure water from a 'wand' or 'stinger' and then removing the geoducks alive by hand. Adult geoducks may be buried to a depth of 1m and sediment liquefaction may occur down to such depths.

In Puget Sound, Washington geoduck clam aquaculture has been financially successful resulting in large areas of the intertidal zone being used by aquaculture companies.



Puget Sound geoduck aquaculture. Photo from *Aquaculture North America* magazine. February 4, 2014

At this time, BC does not have a large geoduck aquaculture industry and according to staff at DFO and in the geoduck industry, most geoduck aquaculture trials in BC have not been successful. A 2012 report prepared for DFO includes a profitability ratio that indicates a -2.5% rate of return after 10 years and 1.7% rate of return after 15 years. A BC Ministry of Agriculture and Lands 2005 report assessed the economics of subtidal geoduck aquaculture and concluded that because of the high costs of the juvenile geoducks and the placement and removals by divers "the results could range from highly successful businesses to unfortunate business failures. Prospective geoduck farmers [operators] will need to carefully consider the opportunities and risks associated with developing a sub-tidal geoduck enterprise."

Appendix 2

What part of the Trust Area is, or could be, available for geoduck aquaculture?

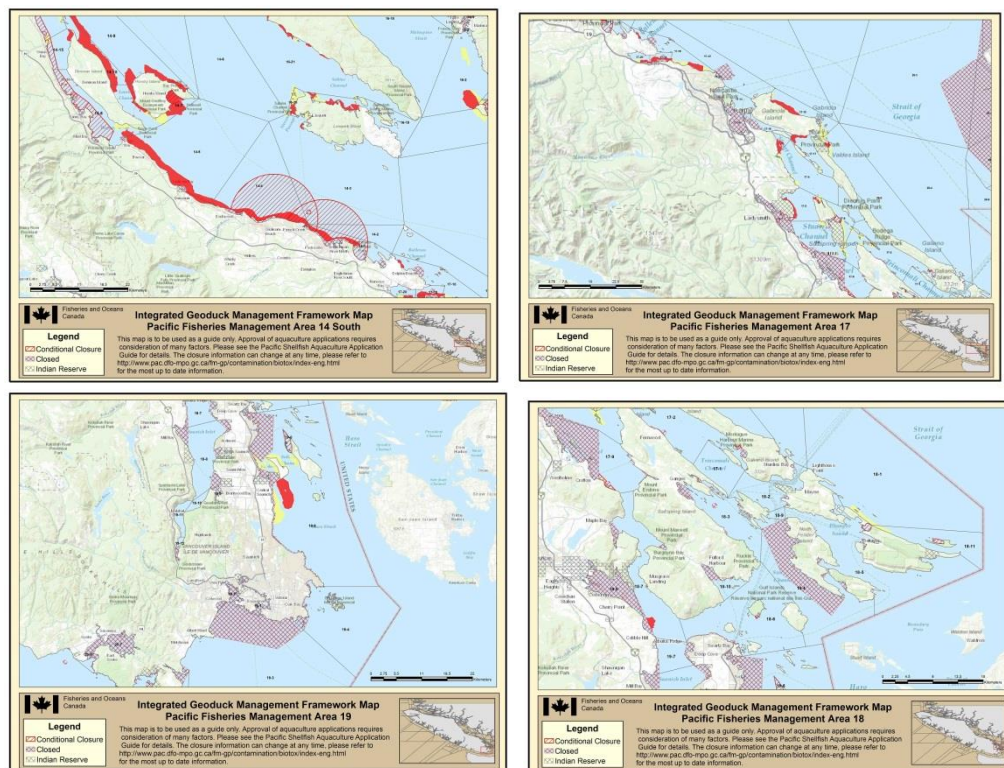
Although aquaculture impacts are now felt most strongly on Denman Island, geoduck aquaculture has the potential to be more prevalent Trust Area wide. Geoduck aquaculture could occur in various places throughout the Trust Area but would be influenced and/or limited by:

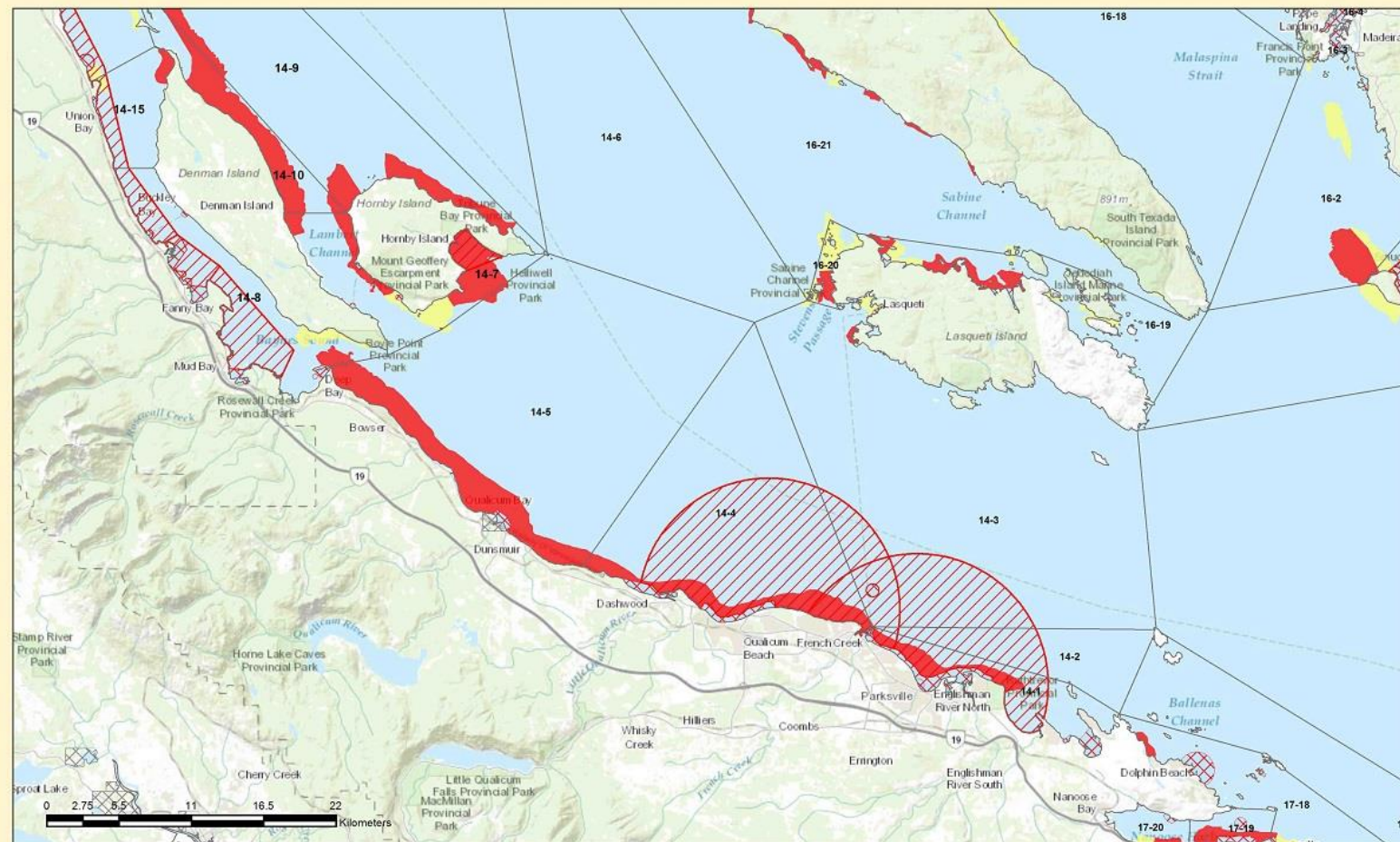
- appropriate ecological/substrate conditions;
- zoning; and
- the DFO IGMF 2017, which identifies areas available for geoduck aquaculture applications.

With release of the DFO Integrated Geoduck Management Framework (IGMF) 2017, applicants are now able to apply for aquaculture licenses throughout the BC coast, including the Trust Area. Shellfish aquaculture is now under the exclusive jurisdiction of DFO to manage the fishery and provide licenses to operators. The Province issues tenures for the sites and manages the harmonized application process.

There are existing aquaculture licenses that include geoduck among many possible species that could be implemented at this time on many Gulf Islands, including Lasqueti, Hornby, Salt Spring and Denman. There are also many islands that have existing aquaculture licenses that do not currently include geoduck; however, operators could apply to have them added to the license. These islands include Thetis (5), Gabriola, (1), Salt Spring (4 including one at Burgoyne Bay) and many near Denman. April 2014 letter from Islands Trust Chair to DFO re draft Integrated Geoduck Management Framework (attached) includes mapping Islands Trust Area that indicates current zoning in the permits aquaculture and/or limited aquaculture.

Under DFO's IGMF 2017 there is also the potential for the opening up of wild geoduck areas for both intertidal and subtidal geoduck aquaculture zones throughout the Trust Area by First Nations (red zones) and all operators (yellow and non-colour areas). [IGMF maps](#).





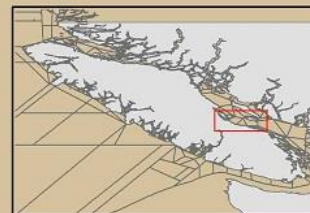
Fisheries and Oceans
Canada

Legend

- Conditional Closure
- Closed
- Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 14 South

This map is to be used as a guide only. Approval of aquaculture applications requires consideration of many factors. Please see the Pacific Shellfish Aquaculture Application Guide for details. The closure information can change at any time, please refer to <http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html> for the most up to date information.





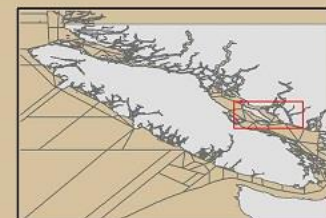
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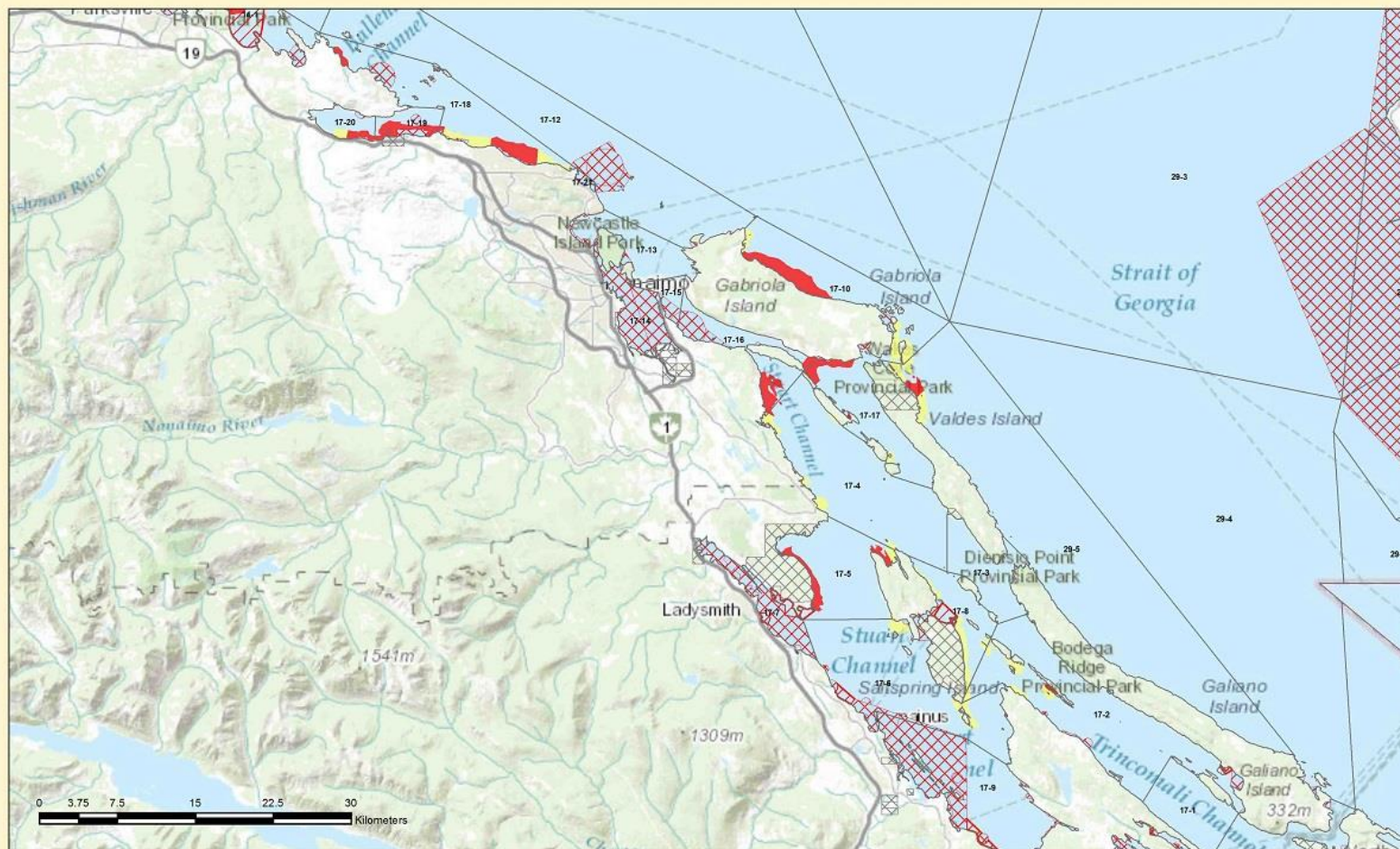
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- Conditional Closure
- Closed
- Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 16

This map is to be used as a guide only. Approval of aquaculture applications requires consideration of many factors. Please see the Pacific Shellfish Aquaculture Application Guide for details. The closure information can change at any time, please refer to <http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html> for the most up to date information.





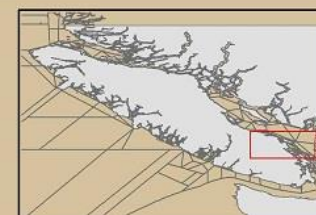
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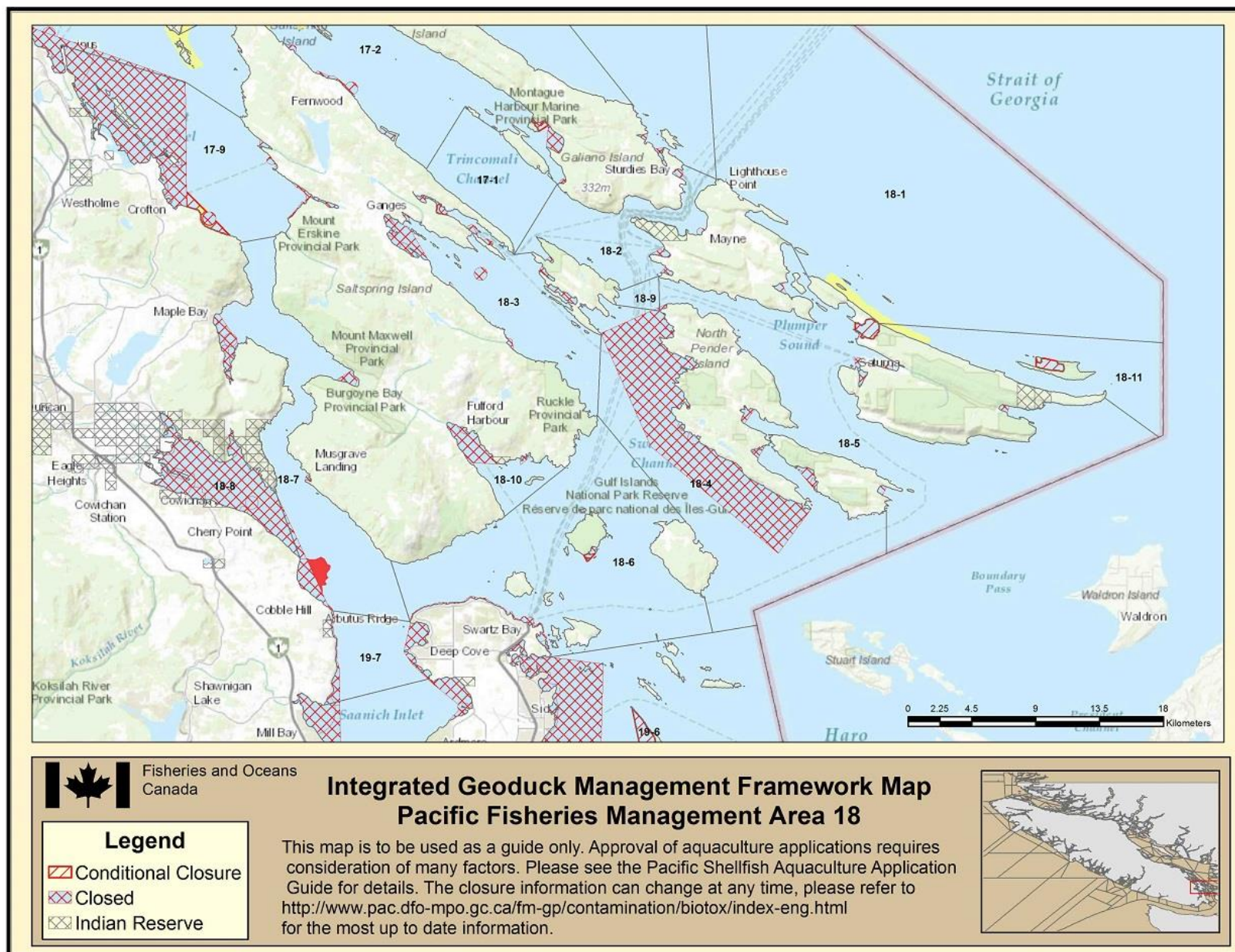
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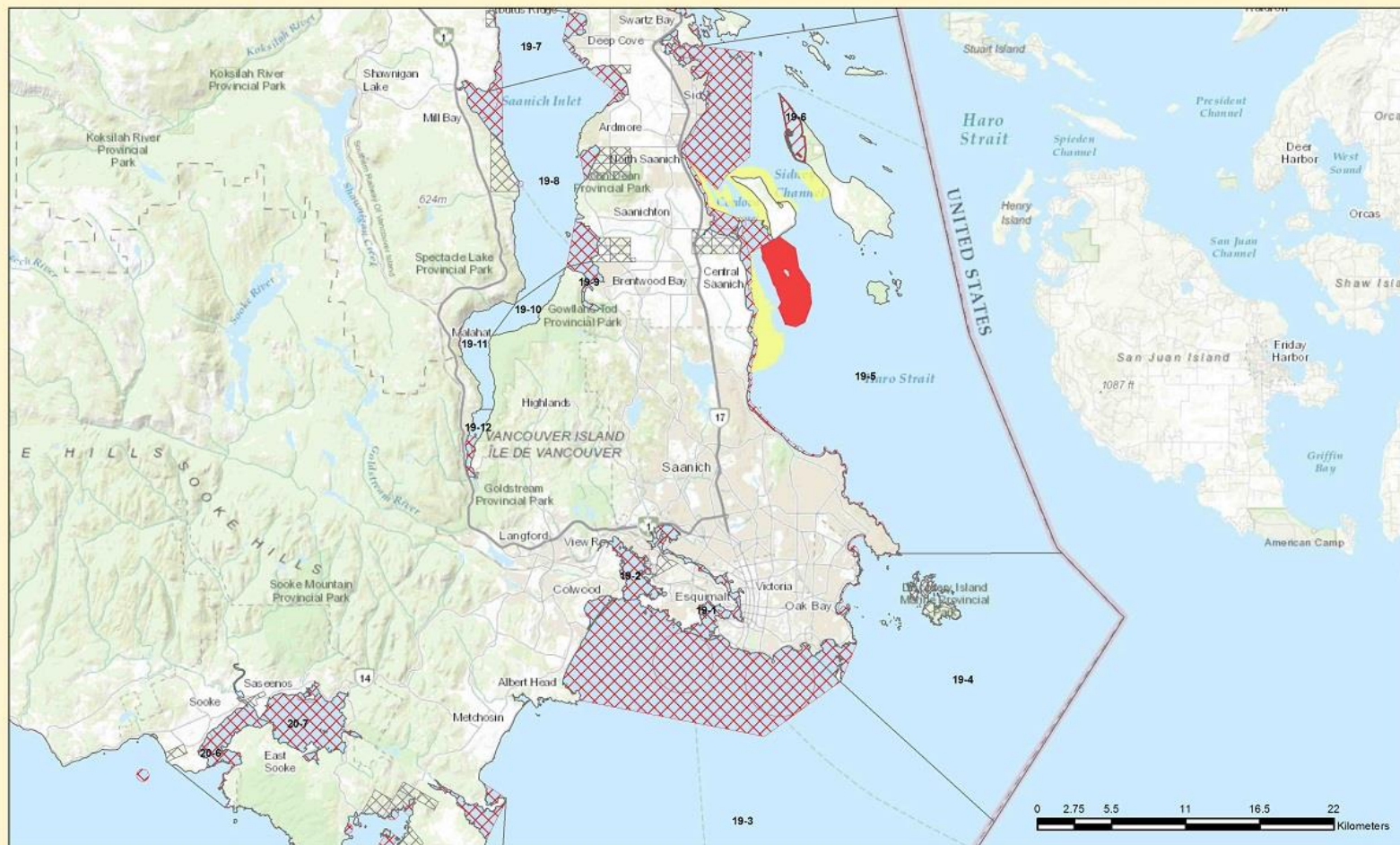
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-  Closed
-  Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 17

This map is to be used as a guide only. Approval of aquaculture applications requires consideration of many factors. Please see the Pacific Shellfish Aquaculture Application Guide for details. The closure information can change at any time, please refer to <http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html> for the most up to date information.







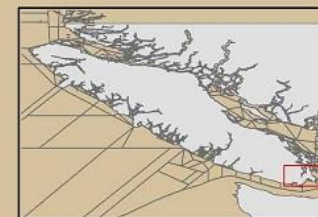
Fisheries and Oceans
Canada

Legend

- Conditional Closure
- Closed
- Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 19

This map is to be used as a guide only. Approval of aquaculture applications requires consideration of many factors. Please see the Pacific Shellfish Aquaculture Application Guide for details. The closure information can change at any time, please refer to <http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html> for the most up to date information.





File No.:

DATE OF MEETING: Select date.
TO: Local Trust Committees and Bowen Island Municipality
FROM: David Marlor, Director of Local Planning Services
SUBJECT: Approval Process for Water Supply Systems on Salt Spring Island

PURPOSE

At its regular business meeting on February 7, 2018, the Executive Committee received the report "Approval Process for Water Supply Systems on Salt Spring" from the Salt Spring Island Local Trust Committee. The Executive Committee passed the following resolution:

that staff forward the report on approval processes for water supply systems on Salt Spring Island to local trust committees and Bowen Island Municipality.

ATTACHMENTS

1. Attachment 1: Approval Process for Community Water Systems on Salt Spring Island

BRIEFING

To: Executive Committee **For the Meeting of:** February 7, 2018

From: Susan Palmer, MCIP, RPP **Date Prepared:** January 11, 2018
SLP Consulting
Salt Spring Island Team

SUBJECT: Issue Paper: Approval Processes for Water Supply Systems on Salt Spring Island, January 11, 2018, amended

PURPOSE:

Salt Spring Island Local Trust Committee (SSI LTC) referred the attached report (*Approval Processes for Water Supply Systems on Salt Spring Island*) at its meeting on January 18, 2018 to the Executive Committee for information. The key purpose of the report was to inform the SSI LTC of the agencies involved in approving water supply systems and to propose options for implementing Official Community Plan policy regarding water supply and the following Islands Trust Policy Statement policy that:

neither the density or intensity of land use is increased in areas known to have a problem with the quality or quantity of the supply of freshwater.

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee forward the “Approval Process for Water Supply Systems on Salt Spring Island” report to Executive Committee for information.

ATTACHMENT(S):

1. Report: Approval Process for Water Supply Systems on Salt Spring Island

Prepared By: Susan Palmer

Reviewed By/Date: David Marlor, Director of Local Planning Services/Jan 31, 2018

V3 Water Paper.docx

SLP Consulting

1/18/2018 – including amendment submitted at the Salt Spring Island Local Trust Committee Meeting

EXECUTIVE SUMMARY

In response to an application to rezone land to allow for a multi-family residential project, the Salt Spring Island Local Trust Committee (LTC) directed staff at its meeting on October 5, 2017 to:

Report back regarding the findings of an investigation of the approval process for water supply and water quantity requirements for multi-unit residential developments.

Key findings of the investigation are:

- Islands Trust Policy Statement Policy 4.4.2 stipulates the importance of ensuring an adequate supply of water prior to increasing the density or intensity of land use ('neither the density or intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater')
- the Salt Spring Island Official Community Plan (OCP) reinforces the importance of ensuring an adequate supply of water to support proposed increases in density; the OCP supports the use of alternative water sources such as groundwater, rainwater and greywater
- Islands Trust does not have a role in approving water supply systems
- the approval process(es) for water supply systems involves several provincial and local government agencies (Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD), Vancouver Island Health Authority (VIHA) and Capital Regional District Building Inspections (CRD))
- different sources of water may be used to meet demand for different types of water use (e.g., rainwater may be used for irrigation)
- indoor water use (potable water) may be met through groundwater or surface water sources approved by VIH
- demand for indoor water use is calculated on a per capita basis and the approving agencies (VIHA and CRD) have guidelines and/or regulations that stipulate the occupancy rates used to calculate water demand. Both agencies have the ability to exercise discretion in the application of the guidelines and/or regulations to address situations where the occupancy rates may not be typical
- generally, approval of a water supply system would occur after zoning is in place due to the level of detail needed and the high cost of preparing the application (e.g., engineered design of the water supply system)
- housing for special needs populations may have different occupancy rates than those set out in provincial guidelines and may require VIHA to exercise discretion in determining an appropriate occupancy rate from which to assess the proposed water supply system.

Six options for implementing Islands Trust and Salt Spring Island Official Community Plan policy regarding land use and water supply were evaluated. Five options are consistent with Islands Trust

mandate (land use planning) and the tools available to implement policy and enforce bylaws. All five options require that the water supply system be capable of supporting the proposed number of dwelling units prior to adoption of the rezoning bylaw. An option to cap occupancy rates through a legal mechanism such as an affordable housing agreement or a restrictive covenant is not recommended because Islands Trust does not have a legislative tool to enforce occupancy. That is, occupancy cannot be enforced through the land use bylaw.

APPROVAL PROCESSES FOR COMMUNITY WATER SYSTEMS ON SALT SPRING ISLAND

Due to the moratorium placed by North Salt Spring Water District (NSSWD) on adding new connections to their water system, the Salt Spring Island Local Trust Committee (LTC) has received numerous rezoning applications for multi-unit housing projects that rely on alternative water sources to service the proposed developments. All of the proposed projects include affordable housing either for the entire project or as an amenity bonus. The LTC has identified provision of affordable housing as a priority issue and therefore has indicated its desire to give serious consideration to these proposals.

Providing water to multi-unit housing developments using alternative water sources (groundwater, rainwater and water conservation) is treading into new territory for the LTC and raises numerous questions about how such applications should be assessed. In addition to Trust and OCP policies, there are numerous provincial guidelines and regulations that regulate water source and the design, construction, operation and maintenance of a water supply system.

On October 5, 2017, the LTC directed staff to:

Report back regarding the findings of an investigation of the approval process for water supply and water quantity requirements for multi-unit residential developments.

The purpose of this report is to:

- clarify the approval process for an independent water supply system and the approval agencies involved
- review Official Community Plan (OCP) policy regarding the use of groundwater, rainwater and water conservation (e.g. greywater) as it relates to the determination of density
- identify the criteria used by approval agencies to determine demand for water for multi-unit residential developments
- propose options for implementing OCP water supply policy
- assess proposed options
- make recommendations for a consistent approach to assessing rezoning applications based on new water supply systems and the use of alternative water sources
- test the proposed approach using the Croftonbrook rezoning application (SS-RZ-2017.4) as an example.

1. APPROVING AGENCIES AND SEQUENCE OF WATER SUPPLY SYSTEM APPROVALS

Development proposals that require rezoning based on a community water supply system using groundwater must receive approval from four different agencies before they can proceed to the construction phase. First, approval of a groundwater license from the Ministry of Forest, Lands Natural Resource Operations and Rural Development (MFLNRORD) is required to support the rezoning application. Rezoning is the next phase of the approval process and decisions on rezonings are made by the LTC. The third phase involves Vancouver Island Health Authority (VIHA) which is responsible for issuing construction and operating permits for water supply systems. The final phase of a project requires issuance of a building permit from CRD Building. Table 1 elaborates on the mandate for each

agency and provides an overview of the criteria and conditions considered before a license or permit is approved. Figure 1 illustrates the approval sequence for rezoning based on a rural residential community water supply system and the approving agencies involved.

A. Well Water License (MFLNRORD)

Application to the Water Authorization Section of the MFLNRORD for a well water license is a first step for approval of a water supply system. This determines the amount of groundwater that may be withdrawn without impacting long-term sustainability of the water supply for the proposed development as well as supply to neighbouring wells and water sources that support fish habitat. The SSI OCP also requires that agricultural activities not be impacted.

Water quality is also determined at this stage and any measures required to ensure the water supply meets Canadian drinking water guidelines are identified.

B. Zoning (LTC)

The rezoning phase is a preliminary design phase that sets the basic parameters for the development – primarily land use, density and/or intensity of use, built form, access and traffic circulation among other things. The rezoning application is assessed in terms of how well it addresses Trust Policy Statement directives and OCP policy. Applicants must demonstrate that there is sufficient water to support the proposed development based on provincial regulations. As well, community input is invited and the LTC considers all of the relevant information at a public hearing before proceeding with third reading of a bylaw. A schematic plan is often provided at this stage to assess whether the site is suitable for the proposed land use.

C. Community Water Supply System (VIHA)

VIHA defines a water supply system as a system which services more than one dwelling unit.

Water supply systems must be designed and operated to ensure that there is sufficient water to service the proposed development and that the quality of water meets the Guidelines for Canadian Drinking Water Quality. The focus is on ensuring a safe drinking water supply.

There are two main considerations regarding water supply systems – water demand and water source.

i. Water Supply System Construction Permit

The Drinking Water Protection Regulation requires that a construction permit be obtained from a Public Health Engineer or Drinking Water Officer prior to construction of the water supply system (VIHA). The Guidelines for the Approval of Water Supply Systems recommend that application for a construction permit should be made at least 60 days before construction is anticipated to begin. Applicants are advised to refer to the

MFLNRORD Design Guidelines for Rural Residential Community Water Systems, 2012 (Design Guidelines) prior to designing the system and applying for a construction permit.

ii. **Water Supply System Operating Permit**

The Drinking Water Protection Regulation requires that an operating permit be obtained from a local Environmental Health Officer or the Drinking Water Officer before the water source(s) can be used. This permit would be issued after a water supply system has been constructed.

D. Building Permit (CRD Building)

Before the Building Inspector can issue a building permit they must ensure a sufficient supply of water to meet all water demand requirements of the specific project. This includes water for indoor use, irrigation and fire protection. If a community water supply system is proposed, issuance of a construction permit by VIHA must be confirmed. In the event that water for fire protection is being provided by a water district, confirmation from the relevant agency (i.e., North Salt Spring Water District – NSSWD) must also be received.

The BC Building Code makes provision for consideration of alternative solutions including:

- the use of greywater for toilet flushing
- the use of rainwater for irrigation
- alternative occupancy rates for determining indoor use water demand
- enhanced water conservation features.

Alternative solutions must be supported by evidence provided by a code consultant and/or a report from a professional engineer certifying that the alternative proposal is appropriate for the specific situation.

2. TRUST AND OCP POLICY

Broad land use policy is established in the entire Trust area in the Islands Trust Policy Statement. Policy (4.4.2) requires that Official Community Plans (OCP) and regulatory bylaws (e.g. zoning bylaws) ensure that:

‘neither the density or intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater’.

This statement is reinforced by OCP objectives and policies aimed at protection of water resources (Policy A.4.2.2) and ensuring that proposed developments have an adequate supply of potable water and water for fire protection (Policy B.2.2.3.b). The SSI Official Community Plan (OCP) supports the use of rainwater and water conservation programs to supplement the use of groundwater to meet the demand for water for proposed projects (Policies C.3.2.2.1 and C.3.3.2.2). (See Attachment 1 for OCP

Policies) That is, the policy supports using greywater and rainwater catchment in order to achieve higher densities than would otherwise be possible.

3. CRITERIA USED BY APPROVING AGENCIES FOR ASSESSING WATER SUPPLY

Criteria used in determining water demand for a project varies dependent on the mandate of each agency and the stage of the proposal. Different agencies also have different roles in evaluating the appropriateness and capacity of the proposed supply. Following is an overview of agency mandate, evaluation criteria and conditions.

A. Water Demand

i. LTC

Land Use Bylaw 355 does not specifically address standards for water supply unless a subdivision is involved. In that context, it notes that a proposed water supply system is subject to provisions of VIHA regulations (LUB Sec 5.5.2) (See Attachment 2). Trust and SSI OCP policy require that the SSI LTC ensure an adequate supply of water at the rezoning stage. Options for establishing criteria for a rezoning application are provided in the following section (Section 4).

ii. VIHA (Water Supply System – Construction)

MFLNRORD's *Design Guidelines for Rural Residential Community Water Systems* (2012) identify four basic demand parameters for the design of a new water system:

- a. Average Day Demand (ADD) is used *"to verify source capacity in form of license limitations; to derive peak demands from metering data"*
- b. Maximum Day Demand (MDD) is a *"critical design parameter for sizing reservoirs, pumps and treatment works between source and balancing storage..."*
- c. Peak Hour Demand is used to size *"pipes, pumps and treatment works between balancing storage and customers"*
- d. Fire Flow Demand is a *"critical design parameter for determining maximum network flows, verifying minimum system pressures, sizing pipes/pumps/treatment works between fire storage and customers/fire hydrants."*

MDD is the *"single highest total 24 hour daily consumption occurring over a one year period"* and is comprised of the following components:

- a. Indoor demand – is calculated based on a **per capita demand of 230 Litre/day and occupancy rates based on the BC census (e.g., 2.5 persons per multi-family dwelling)**

Indoor water demand is further broken down as follows:

- Drinking
 - Sanitary
 - Toilets
 - Showers/bathwater
 - Dishwashing, household cleaning
 - Laundry
- b. Irrigation demand – is dependent on a number of factors such as climatic zone, evapotranspiration, size of area, soil type, type of crop, etc.
- c. Water loss allowance- is calculated based on physical design parameters such as length of mains, number of service connections, average operating pressure
- d. Fire flow demand - is based on the Fire Underwriters Survey.

The *Design Guidelines* state that when groundwater is the proposed source, the **Maximum Day Demand (MDD) must not exceed total developed groundwater capacity or the dependable yield of the well**. Total water demand for a project is determined in accordance with Table 2: Water Demand.

iii. CRD Building

BC Building Code bases all design parameters on two persons per bedroom. An applicant can propose alternative solutions (e.g., different occupancy rates per bedroom) under seal of a professional engineer (civil).

B. Water Source

If not connected to a public water utility, groundwater is typically the major source for supplying water to service a development. A well water license is issued by MFLNRORD which will specify how much water may be withdrawn on a daily basis. If the availability of groundwater is not sufficient to meet the needs of the development, supply may be supplemented by water from a water district for fire protection and/or the use of rainwater and/or greywater as allowed by provincial regulations. However, use of these latter two water sources is limited as follows:

- Rainwater – irrigation
- Greywater – toilet flushing.

Demand for water can also be reduced through other water conservation measures such as metering, low- flush toilets, composting toilets, low-flow plumbing fixtures, and water efficient appliances (washing machines and dishwashers).

Highlights of the approval process for the use of a water source are outlined in Table 3: Water Source.

4. OPTIONS FOR IMPLEMENTING OCP POLICY

Islands Trust mandate is land use planning and Trust policy is clear that proposals must have sufficient water to support proposed density and intensity of land use. Tools available to Islands Trust for managing density and intensity relate to the built form and include factors such as number of dwelling units, floor area, site coverage, building height, and building envelope. Proposals that require more water than is available through groundwater sources alone (e.g., rainwater, greywater, etc.), pose a dilemma at the zoning stage since approval of a water supply system is granted by other agencies after zoning is in place. It is generally not feasible to design a water supply system until zoning is secured due to the level of detail the design entails and the costs involved in engineering the design of the system.

VIHA and CRD Building play important roles in ensuring a sufficient supply of water for developments that propose to service the development through a community water supply system. At a minimum, an approved water construction permit will take into account indoor use based on the number of dwelling units and water loss allowance. A building permit cannot be issued unless there is a proven supply of water sufficient to meet all water demands generated by a specific project design (e.g. indoor use, water loss allowance, irrigation and fire protection). Both agencies use occupancy rates as the basis for determining water demand for indoor use for residential projects. Occupancy rate refers to the number of people per dwelling unit or bedroom.

If the well water license authorizes daily withdrawal that is less than that required in the Subdivision Regulations for dwelling units, submission of a preliminary water study by a civil engineer is needed in order to confirm that the Maximum Day Demand (MFLNRORD *Design Guidelines*) will not exceed the dependable yield of the well. The content recommended for the water report is outlined in Section 6 (Recommendations for Implementing Trust and OCP Policy).

5. ASSESSMENT OF OPTIONS

Assessment of rezoning applications that rely on alternative water sources requires the following information in addition to a hydrogeological report:

- Confirmation that a well water license has been issued from MFLNRORD
- submission of a preliminary water study prepared by a civil engineer that:
 - confirms there is sufficient groundwater available to support all water demand types for the proposal (i.e., Maximum Day Demand does not exceed the licensed daily withdrawal amounts), or
 - where MDD would exceed the sustainable yield as set out in the well water license, the preliminary water study shall:
 - identify all proposed water sources

- identify how each type of water demand will be serviced (i.e., which water source will service which water demand type)
- estimate the total number of residents the available groundwater will support based on the sustainable yield of the well (as approved in the well water license) and use of supplementary water sources (e.g., greywater, rainwater)
- estimate how many dwelling units the proposed water supply system would service based on occupancy rates set out in MFLNRORD's *Design Guidelines for Rural Residential Community Water Systems*.

Six options were developed to test how Trust and OCP policy regarding density and the adequacy of water supply could be satisfied under different conditions (Table 4: Assessing Alternative Options for Implementing Trust and OCP Water Policy). The options were developed during discussions with the applicant for the Croftonbrook proposal. Analysis of the options was prepared by SSI Islands Trust staff and planning consultant. Two key situations were tested:

- occupancy rates are based on those set out in provincial guidelines and regulations
- occupancy rates are lower than those set out in provincial guidelines and regulations.

Options One to Three rely on occupancy rates set out in provincial guidelines and regulations (MFLNRORD Design Guidelines and BC Building Code) as the basis for determining how many dwelling units (density) the supply of water can support. **These options are all consistent with the Trust mandate, the number of dwelling units there is sufficient water for would be known or confirmed prior to bylaw adoption.** All of these options can be enforced through the bylaw. Options Four to Six are based on occupancy rates that relate to a specific project design and/or target occupant type (e.g., those at risk of homelessness).

Options Four and Five are proposed in order to allow consideration of proposals that have unique household and water supply characteristics (e.g., small household size and use of alternative water sources). Option Four sets density based on built form parameters (e.g. dwelling unit size) intended to limit total occupancy. The number of dwelling units there is sufficient water for would be known at the public hearing stage.

Option Five proposes that third reading be given to the bylaw and that final bylaw adoption be withheld until confirmation has been received from VIHA that a water supply system construction permit has been issued that would support the proposed density. This option has the advantage of providing the applicant with the comfort that the rezoning will proceed provided the condition for proof of sufficient water supply has been met. It further ensures that density would not be increased unless the water supply system construction permit verifies a sufficient supply of water to service the proposed development. If a permit is issued for a lower density, the applicant would need to request that third reading be rescinded and re-read with the lower density consistent with the approved water supply system construction permit.

6. RECOMMENDATIONS FOR IMPLEMENTING OCP POLICY

Trust and OCP policy require the applicant to demonstrate there is sufficient water for the density (number of dwelling units) they are seeking approval for. In situations where there is insufficient groundwater to meet all water demand types in accordance with the Subdivision Regulations, then consideration of the use of rainwater for irrigation and greywater for toilet flushing would be consistent with OCP policy. As well, water for fire protection purposes may, subject to their approval, be supplied by NSSWD for proposals that are within the service area. Use of these other water sources reduces the demand for groundwater so that only drinking water and sanitary requirements (except potentially for toilet flushing) need be provided for.

It is *recommended* that rezoning proposals that rely on alternative water sources be assessed based on information that can be confirmed at the time of public hearing (Options 1-4). Alternatively, LTC could consider giving third reading of a bylaw and withhold final adoption pending confirmation from VIHA that there is a sufficient supply of water to support the proposed development. In all cases, information required prior to public hearing would include a preliminary water study submitted by a professional engineer (civil). The study should:

- identify all proposed water supply sources
- identify the amount of water available from each water supply source
 - if the proposal relies on NSSWD to supply water for fire protection purposes, written confirmation of the agreement is required from the District
- identify which water source will supply each type of water demand
- estimate how much water is required to service each type of water demand
- estimate how many residents the net water supply will support based on demand for indoor use (VIHA standards - 230 l/person/day)
- calculate how many dwelling units the proposed water supply system would support based on occupancy rates set out in MFNLRORD Design Guidelines.

Note: The MDD must not exceed total developed groundwater capacity as set out in the well water license.

It is noted that preparation of a preliminary water study by a professional engineer does not guarantee that the approving agencies would accept it without modification. However, SSI Islands Trust staff is comfortable that it is reasonable to rely on the conclusions of such a report at the public hearing stage based on reliance on professional standards. If the LTC wants to consider situations where there is insufficient water to meet MDD based on MFLNRORD occupancy rates, there are two recommended options for advancing a bylaw.

- i. The bylaw would be drafted with specific parameters defining the maximum number of dwelling units, maximum floor areas for specific unit types and the maximum number of dwelling units based on floor area (Option 4). The number and size of units should be calculated based on an occupancy rate of 2 persons per bedroom as per the BC Building Code. This approach is consistent with the Trust mandate for land use and would be enforceable through the bylaw. It poses a slight risk that overcrowding may occur that may lead to overuse of the groundwater. This approach limits the applicant's flexibility to vary the design of the project as they get into the more detailed design phases of the project.
- ii. Final adoption of the bylaw is withheld until a water supply system construction permit has been issued by VIHA (Option 5). This option has the advantage of providing assurance to the applicant that the rezoning will be finalized pending confirmation from VIHA that the water supply system is sufficient to meet the water demands of the proposal. It also gives LTC the tools to implement ITPS and OCP policy by withholding final bylaw adoption if confirmation of sufficient water supply for the proposed density is not confirmed through the VIHA approval process. In this event, LTC has the option to rescind third reading of the bylaw and, subject to the applicant's consent, to re-read it with a density consistent with that set out in the VIHA water supply construction permit.

7. CROFTONBROOK: HOW MUCH DENSITY CAN THE WATER SUPPLY SUPPORT

The Croftonbrook proposal for the provision of water is relatively complex – it relies on a combination of groundwater, greywater, and rainwater to meet water needs for indoor use, toilet flushing and irrigation respectively. NSSWD has confirmed that they will provide water for fire fighting and suppression – i.e., a sprinkler system as well as fire hydrants. With respect to supply, the MFLNRORD *Design Guidelines for Rural Residential Community Water Systems* stipulate that the “total developed groundwater capacity or dependable yield of well(s) must equal or exceed the Maximum Day Demand”.

A. Supply:

A preliminary water study prepared by Stantec is based on the following information and assumptions for water supply:

- A maximum of 19.2 cubic metres of water per day or 19,180 litres per day may be withdrawn per day in accordance with the well water license issued by MFLNRORD
- Greywater use for toilet flushing based on LEED Canada data
- Rainwater use for irrigation.

B. Demand:

The Stantec study calculates water demand based on assumptions provided by the applicant (78 residents in 54 dwelling units) and applies MFLNRORD Operations Design Guidelines design parameters to determine Maximum Day Demand (MDD). The calculation for MDD is based on:

- Estimate of water loss allowance based on project design assumptions (e.g., number of connections, pipe length, etc.)
- Groundwater use for all indoor uses except for toilet flushing (assuming 78 residents)
- Greywater use for toilet flushing
- Irrigation demand is met solely through rainwater catchment
- NSSWD provides water for sprinklers and fire hydrants (NSSWD has confirmed they will provide the necessary hook-ups).

Accordingly, the MDD for the project equals 18,240 litres per day. Based on these assumptions, the Stantec preliminary report indicates that there is sufficient water to support 78 residents assuming that greywater is used for toilet flushing.

C. Analysis

The occupancy rates assumed in the Stantec study were provided by the applicant based on the housing director's experience to date managing Salt Spring subsidized housing and the small size of the proposed dwelling units.

These rates are not consistent with those set out in the MFLNRORD's *Design Guidelines* (e.g., 2.5 persons per multi-family dwelling).

i. MFLNRORD's *Design Guidelines*

Using MFLNRORD's occupancy rates, 78 residents would result in the equivalent of 31 dwelling units. Conversely, 54 dwelling units would be assumed to support 135 people.

The Stantec study did not consider how many residents there is sufficient water for if greywater is not used. The following calculations indicate that 71 residents could be supported if greywater is not used for toilet flushing:

Total amount of groundwater available (approved groundwater license): 19,180 L/day
Estimate of water loss (Stantec study): 2,640 L/day

Amount of water available for indoor use: 16,540 L/day

VIHA per capita demand for indoor use: 230 L/day

There is enough water for (16,540/230): 71 residents

ii. CRD Building Code Requirements

The BC Building Code establishes an occupancy rate of 2 persons per bedroom for all design parameters. Based on this criterion, the unit mix in the Croftonbrook proposal would require water for 144 residents.

iii. Alternatives

VIHA and CRD Building both have discretion in applying design parameters related to occupancy rates. With respect to VIHA approvals for a water supply construction permit, it is feasible that the applicant may receive approval for more dwelling units than the usual occupancy rates would yield based on small unit sizes proposed (especially for units less than 400 sq.ft.) and submission of supporting information acceptable to the agency. In this event, the actual number of dwelling units VIHA deems the water system is suitable for would not be determined until after third reading has occurred— when the water construction permit is approved.

Similarly, the applicant can submit an alternative solutions report to CRD Building to support the proposal for a reduced occupancy rate based on the relatively small unit sizes. It would not be known at the public hearing stage whether or not the Building Inspector would approve a building permit based on alternative occupancy rates since a permit cannot be applied for until zoning is in place.

A proposal based on land use planning tools that LTC can employ for converting occupancy rates into dwelling unit density is set out in Attachment 1.

8. CONCLUSIONS

This paper provides an overview of the approval process for water supply systems and examines the various methods for addressing Trust and SSI OCP policy aimed at ensuring there is a sufficient supply of freshwater to support proposed land use density. The tools available to the Trust and LTC to ensure this policy is addressed appropriately are limited to land use and built form parameters and do not include the ability to control occupancy rates. VIHA and CRD Building both play important roles in ensuring that proposed projects have a sufficient supply of water to meet demand. Further, VIHA is also charged with ensuring that water supply systems comply with limits on the amount of groundwater that may be withdrawn on a daily basis.

Six options were assessed for addressing Trust and OCP water policy when a new water supply system is proposed types (Table 4: Assessment of Options for Implementing Trust and OCP Water Policy). Five options explore the situation when there is insufficient groundwater to meet all water demand types. The assessment indicates that there are five viable options (Options 1-5) under the Trust mandate – all rely on submission of a preliminary water study by a professional engineer (civil) that estimates how many residents that water supply will support and converts that number into dwelling units.

The fact that both VIHA and CRD Building must also ensure the sufficiency of water supply for a specific project, does not relieve the Trust and LTC from the obligation to address the Trust Policy Statement directive that:

‘neither the density or intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater’.

As previously identified in this paper, these agencies have specific mandates to fulfill that are distinct from land use planning. They use design parameters suitable to their mandate, such as occupancy rates, for ensuring that water supply is sufficient. The Trust and LTC must rely on the tools available to them under the *Islands Trust* and *Local Government Acts* for implementing the mandate and policies of the Trust (land use, density, built form, etc.). This has implications for how rezoning proposals that rely on the approval of a water supply system by VIHA can be evaluated by the Trust and LTC. In summary, this means that either:

- the proposal demonstrates a sufficient supply of water for the proposed number of dwelling units based on provincial occupancy rates, or
- final adoption of the bylaw is withheld pending issuance of a water supply system construction permit from VIHA confirming sufficient water supply to service the proposed development.

Figure 1: Sequence of Water Supply Approvals and Approving Agencies

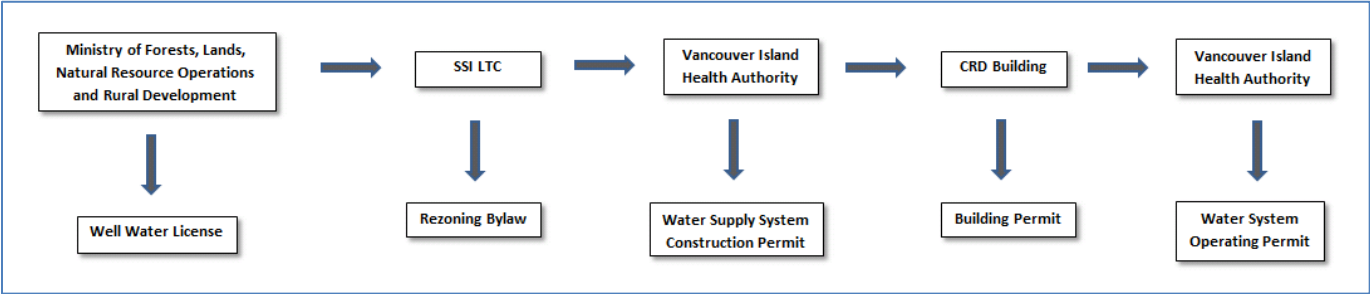


Table 1: Water Supply Systems Approval Process

License/Permit	Approving Agency	Mandate	Considerations and Conditions
Well Water License	MFNRORD – Water Authorization Branch	1. Protect quality and quantity of groundwater source 2. Approve groundwater use for drinking water, irrigation, firefighting, water loss allowance, agriculture, industry, etc.	1. Results of hydrogeological report and drill tests 2. Specifies how much water may be withdrawn on a daily basis 3. Specifies treatment to make water potable (if necessary)
Water Supply System Construction Permit	VIHA-Water Supply Systems Construction	1. Ensure safety of drinking water supply from source to tap	1. Water Quantity: Based on Maximum Day Demand (MDD) a. Indoor Use: Based on per capita demand for drinking water, showers, laundry, household cleaning, toilet flushing b. Average Day Demand (ADD): Used to derive peak demands and to verify source capacity for lake sources c. Water Loss Allowance: Based on specifics of system design and construction d. Irrigation: Based on specifics of land area, climatic zone, soil type, etc. e. Firefighting: Fire Underwriters Survey <i>Note: MDD cannot exceed dependable yield of well.</i> 2. Water Quality: Treatment based on Canadian guidelines for safe drinking water 3. Other: a. Must approve water source b. VIHA requires confirmation from a water district that it will agree to independent system w/l their service area before moving ahead with the application

License/Permit	Approving Agency	Mandate	Considerations and Conditions
Building Permit	CRD	Ensures building code requirements are met for drinking water quality and water quantity needs for indoor, irrigation, and firefighting purposes	1. Requires confirmation from VIHA re water system construction permit. 2. Requires confirmation from NSSWD that water will be provided for firefighting purposes. 3. Determines if greywater can be used for toilet flushing.
Water System Operating Permit	VIHA-Water System Operations	Ensures water supply system is operated according to provincial regulations for safe drinking water	1. Certifies operator – annual renewal required 2. Monitors system operation

Table 2: Water Demand

Water Demand Type	Approval Authority	Permit	Legislation, Regulations and Guidelines	Water Quantity
Indoor Use • Drinking • Sanitary ○ Showers/bathwater ○ Toilet Laundry, dishwashing, etc.	VIHA -Water Supply System	Construction permit for water supply system	Drinking Water Protection Act and Regulations	230L/person/day
	CRD – Building Permit	Building permit	BC Building Code	230 L/day based on 2 persons /bedroom
Water Loss Allowance	Water Supply System – VIHA	Construction permit for water supply system	Drinking Water Protection Act and Regulations	Variable*
Irrigation	Water Supply System – VIHA	Construction permit for water supply system	Drinking Water Protection Act and Regulations	Variable**
	CRD Building	Building permit	BC Building Code	
Fire Protection	CRD Building	Building permit	BC Building Code	NSSWD***
Total	MOTI		Subdivision Regulations	1600L/DU/day

*Factors that determine the water loss allowance relate to specifics of water system design and construction – length of pipes, etc.

**Factors that determine water demand for irrigation include area of land to be irrigated, climatic zone and evapotranspiration rates, crop or planting types, etc.

*** NSSWD has confirmed a commitment to provide water for fire protection purposes (sprinklers and fire hydrant for the Croftonbrook proposal).

Table 3: Potential Water Sources

Water Source	Approval Authority	Legislation, Regulations and Guidelines	Water Demand Type	License/Permit Required
Groundwater	MFLNRORD - Water Authorizations Section	Water Sustainability Act and Regulations	Potentially all	Well water license
Rainwater	Drinking Water Protection Act and Regulations	Drinking Water Protection Act and Regulations	Irrigation	Construction permit for water supply system
	CRD Building	BC Building Code		
Greywater	CRD Building Inspections	BC Building Code	Toilet flushing	Building permit
Water Conservation	Water Supply System – VIHA	Drinking Water Protection Act and Regulations	All	Construction permit for water supply system
	Water Supply Operating – VIHA	Drinking Water Protection Act and Regulations	All	Operating permit for water supply system
	CRD Building Inspections	BC Building Code		Building Permit
Water District	NSSWD	Letters patent	Fire Protection	N/A

Table 4: Assessment of Options for Implementing Trust and OCP Water Policy

All options are for proposals that require construction of a new water supply system in order to provide sufficient water to service a proposed development. In all cases, the proposal would require submission of a preliminary water study prepared by a civil engineer. The options were developed in consultation with the applicant for the Croftonbrook application. The analysis was conducted by SSI Islands Trust staff and planning consultant.

Option 1: There is sufficient groundwater to meet all water demand types – the exception may be that NSSWD has confirmed they will supply water for fire protection (sprinklers and hydrant).

Occupancy rates are as set out in MFLRORD *Design Guidelines for Rural Residential Community Water Systems*.

Option 2: Greywater use is needed in order to supplement groundwater use for indoor water demand. Rainwater is used for irrigation. NSSWD has confirmed they will supply water for fire protection (sprinklers and hydrant) Occupancy rates are as set out in MFLRORD *Design Guidelines*.

Option 3: The engineer's preliminary water study indicates there is not sufficient water (groundwater with or without greywater) available to support the proposed number of dwelling units. The applicant chooses to either drill for more water and/or reduce the density so that there is sufficient water to support the proposed number of dwelling units. If another well is drilled, the new proposal shall be supported by issuance of another well water license and a revised preliminary water study.

Options 5-6: Occupancy rates are lower than those set out in provincial guidelines and regulations. This scenario can be adapted to include the potential use of greywater, rainwater and water from NSSWD for fire protection.

Option	Timeliness	Enforceability	Flexibility	Feasibility
Option 1: Proposed bylaw establishes maximum number of DUs based on preliminary water study	The number or dwelling units there is sufficient water for would be known at PH stage as per professional engineer's report.	Islands Trust would enforce any land use violations. VIHA would enforce regulations regarding water supply.	N/A	Fits well with Trust mandate Clear and transparent with respect to density considered at third reading
Option 2: Proposed bylaw establishes maximum number of DUs based on water supplied with and without use of greywater as per preliminary water study	The number of dwelling units there is sufficient water for would be known at PH stage as per professional engineer's report. Two densities would be proposed based on whether greywater was used.	As above. The number of DUs built would be confirmed at the building permit stage depending on whether greywater was used or not.	Provides flexibility to applicant.	As above.
Option 3: Drill another well and/or reduce the density to align with the supply of water	Application for a wellwater license takes 6-8 months. This may affect project funding.	As above for Islands Trust and VIHA.	This provides another option for applicants to consider.	As above.
Occupancy Rates are Lower than set out in Provincial Guidelines and Regulations				
Option	Timeliness	Enforceability	Flexibility	Feasibility
Option 4: Convert occupancy rates to DUs* (as per Attachment 3)	The number of dwelling units the proposed development is for would be known at public hearing stage.	As above.	Limited – the applicant needs to be confident of the size and type of units they intend to build	As above
Option 4: Convert occupancy rates to DUs* (as per Attachment 3)	The number of dwelling units the proposed development is for would be known at public hearing stage.	As above.	Limited – the applicant needs to be confident of the size and type of units they intend to build	As above
Option 5: Withhold final adoption of bylaw pending VIHA confirmation there is	Confirmation that there is there is sufficient water for the proposed number of dwelling units would not be known at the PH	As above. The construction permit for the water system should clearly indicate the number of dwelling	Reduces risk for the applicant to undertake detailed design of water supply system.	A conditional approval of the bylaw is consistent with normal practice provided the condition is

Option	Timeliness	Enforceability	Flexibility	Feasibility
sufficient water** if VIHA approval is for a lesser density, third reading could be rescinded and re-read with a density consistent with VIHA permit.	stage.	units the approval is for.		identified at the public hearing stage.
Option 6: Occupancy caps written into housing agreement or restrictive covenant	The number of dwelling units there is sufficient water for would not be confirmed at the public hearing stage. Occupancy would be determined by public hearing stage based on the preliminary water study.	Islands Trust does not have a mandate to enforce occupancy. Enforcement would require court action. CRD Building would be required to enforce any Building Code violations.	Islands Trust enforcement options would be limited to court action.	This is not feasible for Islands Trust as it extends beyond the land use planning mandate.

*Converting occupancy rates to dwelling units: This option provides a method for converting the number of occupants into physical design parameters that can be written in a land use bylaw – i.e., maximum number of total units, maximum floor areas per unit type (e.g., studio, one bedroom, 2 bedroom), and the maximum number for each unit type (Attachment 3). The purpose of capping dwelling unit size is to place a zoning bylaw control on the number of occupants each dwelling unit can accommodate.

**After third reading of the bylaw, the applicant would submit an application for a water supply system construction permit based on occupancy rates that are lower than those set out in MFLNRORD's *Design Guidelines*. VIHA would exercise their discretion in determining if the water supply was adequate to meet the water demand for the proposed number of dwelling units.

Final adoption of the bylaw would be withheld until confirmation is received from VIHA that a water supply system construction permit has been issued and that the number of dwelling units serviced is consistent with the proposed bylaw. This process is based on the premise that the Trust and OCP water policy would be satisfied because final adoption of the bylaw would not occur until after the project has been approved for a water construction permit and building permit.

Attachment 1: SSI Official Community Plan Policies

A.4.2.2 To maintain and restore the community's natural capital as represented by such items as our agricultural and forest land base, our potable water supplies, and primary value of our natural and unspoiled rural character.

B.2.2.2.3.b All rezoning applications for affordable housing projects should include evidence of

- a. need for housing
- b. an adequate water supply for potability and fire protection
- c. means of sewage disposal
- d. energy and water efficient building design
- e. not degrading a sensitive ecosystem
- f. not being sited in an area subject to hazardous conditions.

C.3.2.2.1 When the Local Trust Committee receives rezoning applications for land use inside the boundaries of a community water system, it will refer the application to the operators of the affected system. They will ask if water could be supplied to the new development, considering the needs of their existing customers and the provision of water for firefighting, and any properties already zoned for further development. When it considers zoning changes within a community water system, the Local Trust Committee will also consider the amount and percentage of any remaining supply capacity that would be used by the proposed new use. The Committee will not make zoning changes within a community water supply system if the change would mean water could not be supplied (under the existing license) to existing customers. It should not normally make zoning changes if the change would mean water could not also be supplied to vacant or underdeveloped properties already zoned for further development. Should such zoning changes be proposed, the applicant could be encouraged to supplant other water supplies so that the application should be considered. Examples are rainwater catchment, groundwater use or a water conservation program.

The Local Trust Committee should make an exception to the above policy within the North Salt Spring Waterworks District to allow community facilities or affordable housing projects to proceed. However such changes should only be made if the Committee is satisfied that the District is likely to receive a sufficiently larger water license.

C.3.3.2.2 In addition to Policy C.3.2.2.1, the Local Trust Committee should not make zoning changes within the North Salt Spring Waterworks District that could mean that water will not be available (under the District's existing license) for the following projects (in order of priority):

- a. essential services such as hospitals and schools needed within the district to serve the island's projected population
- b. special needs and affordable housing needed in the community.

Attachment 2: SSI Land Use Bylaw Excerpt

Section 5.5.2 Each lot in a proposed subdivision must be supplied with sufficient water to supply all uses, buildings, and structures permitted on the lot by this Bylaw according to the standards set out in Table 1. Where more than one use is permitted on a lot, the amount of water to be supplied is the sum of the amounts required for each permitted use, calculated separately.

Information Note: If more than one dwelling unit is connected to the same source of water, the water system is subject to Vancouver Island Health Authority regulations of water supply systems, the Drinking water Protection Act, and may be subject to the Water Utility Act.

Attachment 3: Converting Occupancy Rates into Dwelling Units

Use of this method requires submission of a preliminary water study by a professional engineer (civil) that:

1. Identifies all proposed water supply sources
2. Identifies the amount of water available from each water supply source
3. Identifies which water source will supply each type of water demand (indoor use, water loss allowance, irrigation, fire protection)
4. Estimates how much water is required to service each type of water demand (Maximum Day Demand (MDD))
5. Estimates how many residents the net water supply will support based on demand for indoor use (VIHA standards - 230 l/person/day).

Note: The MDD must not exceed total developed groundwater capacity as set out in the well water license.

Determination of Maximum Density:

Prepare a proposal based on the maximum number of residents that the water supply system can service:

1. Establish maximum floor areas based on BC Building Code occupancy rates of two persons /bedroom (e.g., two bedroom units would be a maximum of XX m²)
2. Establish the distribution of unit sizes
3. Calculate total occupancy based on the number of units and unit size
4. Total occupancy is not to exceed the number of residents there is sufficient water for as estimated in the engineer's preliminary water study.

Croftonbrook Example

The following calculations are based on the Croftonbrook rezoning proposal in order to test a method for converting occupancy rates into dwelling unit density. The application proposes a maximum of dwelling 54 units and 78 residents. The Stantec preliminary water study provides an estimate of water loss allowance and how much greywater would be used for toilet flushing (Scenario 2).

Scenario 1: Without Greywater

Total amount of groundwater available (approved groundwater license):	19,180 L/day
Estimate of water loss:	<u>2,640 L/day</u>
Amount of water available for indoor use:	16,540 L/day

VIHA per capita demand for indoor use:	230 L/day
There is enough water for (16,540/225):	71 residents

Average occupancy rate for 54 dwelling units (71/54): residents/DU	1.31
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*Single occupant units: Maximum floor area - 400 sq ft.

*Double occupancy units: Maximum floor area – 600 sq.ft.

Distribution: 37 single occupant units – 37 residents

17 double occupant units – 34 residents

Total Occupants: 71

Total Dwelling Units: 54

*These unit sizes need to be confirmed as being appropriate for one and two person occupancies.

Scenario 2: With Greywater (Stantec Study)

Total amount of groundwater available (approved groundwater license):	19,180 L/day
Indoor use (based on 230 L/day for 78 residents):	17,940 L/day
Greywater:	-2,340 L/day
Water Loss Allowance:	<u>+2,640 L/day</u>
Maximum Day Demand:	18,240 L/day

Average occupancy rate for 54 dwelling units (78/54): residents/DU	1.44
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*Single occupant units: Maximum floor area - 400 sq. ft.

*Double occupancy units: Maximum floor area – 600 sq.ft.

Distribution: 36 single occupant units – 36 residents

21 double occupant units – 42 residents

Total Occupants: 78

Total Dwelling Units: 54

*As noted above.

Sources

1. Bahman Sheikh; White Paper on Graywater, 2010
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3. <http://www.frontcounterbc.gov.bc.ca/pdf/WaterPurposeUses.pdf>
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6. Vancouver Island Health Authority; Guidelines for Approval of Water Supply Systems