



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: November 24, 2016
Time: 9:45 am
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

	Pages
1. CALL TO ORDER	9:45 AM - 10:15 AM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	
6.1 Local Trust Committee Meeting Minutes Dated October 27 & Special Meeting Minutes of November 5, 2016 (for Adoption)	4 - 13
6.1.1 <u>Public Hearing Record Dated November 5, 2016 (for Receipt)</u>	14 - 15
6.2 Section 26 Resolutions-without-meeting Report	
none	
6.3 Advisory Planning Commission Minutes	
none	
7. BUSINESS ARISING FROM THE MINUTES	
7.1 Follow-up Action List Dated November 2016	16 - 17
8. DELEGATIONS	10:15 AM - 10:30 AM
8.1 M. Sketch re Discarded Materials Management for North & South Pender Islands	
9. CORRESPONDENCE	
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	

9.1	L. Henshaw Email Dated November 4, 2016	18 - 18
10.	APPLICATIONS AND REFERRALS	10:30 AM - 10:50 AM
10.1	NP-DP-2016.7 (Regehr) - Staff Report	19 - 58
10.2	NP-DP-2016.8 (Elevation) - Staff Report	59 - 110
10.3	Salt Spring Island Local Trust Committee Bylaw No. 497 Referral (for response)	111 - 112
10.4	NP-DP-2016.9 (Lundie) - Staff Report (Pending)	
11.	LOCAL TRUST COMMITTEE PROJECTS	10:50 AM - 11:20 AM
11.1	Waste Management - Staff Report	113 - 122
11.2	Short Term Vacation Rentals (STVR) - Staff Report - Bylaws 203 & 204 (for further consideration of Third Reading)	123 - 132
12.	REPORTS	
12.1	Work Program Report (attached)	
12.1.1	<u>Top Priorities Report Dated November 2016</u>	133 - 133
12.1.2	<u>Projects List Report Dated November 2016</u>	134 - 136
12.2	Applications Report Dated November 2016 (attached)	137 - 142
12.3	Trustee and Local Expense Report Dated September 2016 (attached)	143 - 143
12.4	Adopted Policies and Standing Resolutions (attached)	144 - 145
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Report	
12.8	Trust Fund Board Report	
	none	
13.	NEW BUSINESS	
	none	
14.	UPCOMING MEETINGS	
14.1	Next Regular Local Trust Committee Meeting Scheduled for January 26, 2017, at 9:45 am, at the Community Hall, Pender Island	
15.	TOWN HALL	11:20 AM - 12:00 PM

16. CLOSED MEETING

none

17. ADJOURNMENT

12:00 PM - 12:00 PM



DRAFT

North Pender Island Local Trust Committee Minutes of a Regular Meeting

Date: October 27, 2016
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

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

Staff Present: Justine Starke, Island Planner
Shannon Brayford, Recorder

Others Present: Ten (10) members of the public

1. CALL TO ORDER

Chair Grams called the meeting to order at 9:45 am. He acknowledged that the meeting was being held in Coast Salish Territory and introduced the LTC and staff. Chair Grams also acknowledged that the meeting was being recorded with an audio recorder and read a written statement regarding the purpose, intended uses, and limitations of the recording.

2. APPROVAL OF AGENDA

Member of the public, Michael Sketch, asked that he be included as a delegation on the agenda.

Chair Grams invited Michael Sketch to submit such requests in time for the agenda packages.

Planner Starke noted a late submission to be added under correspondence as item 9.1 Pender Island Trust Protection Society.

By general consent, the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Dale Henning addressed the proposed Bylaws 203 and 204, recommending that the language “may” and “should”, be replaced with the terms “must” and “shall”.

Planner Starke noted that the language Mr. Henning referred to was deliberate because formed part of the recommended terms for issuing STVR Temporary Use Permits. She noted that the permit itself would then include obligatory language.

Donn Korbin asked for the rational for dismissing the Special APC for having members with bias and then forming a new group that included those same members.

The LTC responded that the current meetings were open to all members of the public and attendees were encouraged to sign-up in order to provide a catered lunch.

Donn Korbin requested the rational for allowing South Pender Island residents to attend the meetings.

The LTC responded that it is not uncommon for one LTC to open participation to other community areas.

Donn Korbin noted that several people attended the second meeting who were not present at the first meeting. He commented that the general community had not been informed that they could attend the meeting.

Michael Sketch provided rational for including members of South Pender Island, noting that a CRD service area would potentially include South Pender Island as well.

Michael Sketch read a written submission addressing fill placed on a steep ocean-front ravine from CRD contract 2012-693. He provided an overview of the contract's history and the bylaw enforcement history of the issue.

Dale Henning addressed comments made by Michael Sketch, noting that in a previous Special APC meeting, a CRD representative stated that a waste transfer site located on North Pender Island would be funded through taxation to North Pender residents only.

The LTC remarked that they are limited to land use issues and will not have a role in the management of such a facility.

David Reed remarked that although the Special APC was dissolved due to bias, the decisions made by the group formed a foundation that is still being used moving forward.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated September 22, 2016 (for Adoption)

By general consent, the Local Trust committee meeting minutes of September 22, 2016 were adopted as presented.

6.2 Local Trust Committee Minutes Dated October 6, 2016 (for Adoption)

By general consent, the Local Trust committee meeting minutes of October 6, 2016 were adopted as presented.

6.3 Advisory Planning Commission Draft Minutes Dated September 9, 2016 (for Receipt)

Received for information.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated March 2016

For information.

8. DELEGATIONS

none

9. CORRESPONDENCE

9.1 Pender Islands Trust Protection Society

Planner Starke provided an overview of the correspondence which addressed a Quarry Application at 3410 South Otter Bay Road and provided information on the limitations of the LTC in dealing with mining issues.

By general consent, the LTC directed staff to respond to the letter on their behalf.

10. APPLICATIONS AND REFERRALS

10.1 NP-DP-2016.5 (Townsend) - Staff Report

Planner Starke provided an overview of the application and staff report, noting that the staff report recommended approval of the application.

A discussion was held regarding the riparian area and the protection of it.

NP-2016-067

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2016.5 (Townsend).

CARRIED

10.2 NP-RZ-2016.3 (Eakins) – Staff Report

Planner Starke provided an overview of the report, including information from the forthcoming archeological report and recommended Bylaw and OCP amendments.

Planner Starke detailed Bylaws 207 and 208, noting the changes and the rationales for recommending these amendments.

A discussion was held regarding potentially reducing the number of parking spots should the applicant provide a transportation plan. Recommendations of items to be included in that plan were discussed.

A discussion was held regarding the purpose of a first reading, and potential benefits and issues with moving forward prior to receiving the final archeological report.

Chair Grams invited **Lou Henshaw**, a member of the public, to speak. She provided historic information on the property.

Peter Taylor was acknowledged by the LTC and provided further history of the property.

Ben McConchie remarked that the LTC should consider whether the island can support another large resort on the island. He noted that the impact on the community and resources, such as water consumption, are not yet well understood.

The applicant provided an overview of the archeological report and the work that they are doing to mitigate the impact on the area. He noted that the study is taking longer than anticipated because of the findings.

By general consent, the Local Trust Committee deferred a decision on this application to a later time when the archeological report will be available.

10.3 NP-RZ-2016.2 (Port Browning) – Staff Report

Planner Starke provided an overview of the application, including First Nations and archeological issues. She further noted the recommended next steps.

Trustee Masselink noted that he has similar concerns with this application as with the application under 10.2 and would like to receive the archeological report prior to moving forward.

A discussion was held regarding the process moving forward, including the deadlines provided for responses from First Nations groups.

By general consent, the Local Trust Committee deferred decision on this application to a later time when the archeological report will be available.

A discussion was held regarding whether the applications could be forwarded to the APC. It was noted that should the archeological report arrive prior to the APC meeting, that that information should be provided to the members.

NP-2016-068

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee request staff to refer Bylaws No. 206, 207, and 208 to the North Pender Island Advisory Planning Commission for comment.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 STVR/TUP Fees Bylaw No. 205 - Staff Report

Planner Starke provided an overview of the Staff Report, noting that this bylaw can be given three readings in one sitting.

A discussion was held regarding when to move forward with the amendment and whether there was a rationale to delay the readings until the public hearing on November 5, 2016.

NP-2016-069

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 205, cited as "North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment Bylaw No. 1, 2016", be read a first time.

CARRIED

NP-2016-070

It was MOVED and SECONDED,

htat the North Pender Island Local Trust Committee Bylaw No. 205, cited as "North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment Bylaw No. 1, 2016", be read a second time.

CARRIED

NP-2016-071

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 205, cited as "North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment Bylaw No. 1, 2016", be referred to the Executive Committee of Islands Trust for consideration.

CARRIED

12. REPORTS

12.1 Work Program Report (attached)

12.1.1 Top Priorities Report Dated October 2016

Received for information.

12.1.2 Projects List Report Dated October 2016

Received for information.

12.2 Applications Report Dated October 2016 (attached)

Received for information.

12.3 Trustee and Local Expense Report Dated August 2016 (attached)

Received for information.

12.4 Adopted Policies and Standing Resolutions (attached)

Received for information.

12.5 Local Trust Committee Webpage

No comments.

12.6 Chair's Report

Chair Grams provided a report which included the following points:

- As a member of Trust Executive, met with the Ministry of Transportation and Infrastructure (MOTI) regarding the condition of roads on Salt Spring Island.
- As a member of Trust Executive, met with Agricultural Land Commission (ALC) to gain a better understanding of their processes and also provide information to them regarding the unique agricultural issues of the islands.
- Incorporation process on Salt Spring Island is continuing and the final report has been posted on the website. The final three community information meetings will be held in early November.

12.7 Trustee Report

Trustee Masselink remarked that hearing the community's concerns around process for the waste project leads him to hope that the public will be guided by rational thought.

He reported that he has been teaching a course at Royal Roads University on Governance and it has led him to examine the idea of local government and the modes for organizing collective decisions.

He further noted that he spends a part of his week on Salt Spring Island and is experiencing the challenges of transportation in other Trust Areas. He remarked that he is motivated to move this issue forward and improve the transportation situation.

Trustee Barber reported that the Waste Management Report has been received by the LTC and will be made public shortly. She provided an overview of the process moving forward.

She further reported that the Housing Needs Assessment will be completed for the Southern Gulf Islands and that the affordable housing project will be the LTC's next focus.

12.8 Trust Fund Board Report Dated September 2016

Received for information.

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for November 24, 2016, at the Pender Community Hall

14.2 Special LTC Meeting Scheduled for November 5, 2016, at 9:30 am, at the Legion, 1344 McKinnon Rd, Pender Island

14.3 Proposed 2017 Annual LTC Meeting Schedule – Staff Memo

NP-2016-072

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee adopt the proposed 2017 Annual LTC Meeting Schedule.

CARRIED

15. TOWN HALL

Dale Henning remarked that he was concerned that First Nations are controlling the decisions of the Trustees and that he is disappointed that progress was delayed on applications. He recommended inviting representatives to the meetings to facilitate progress.

The LTC provided an overview of the process for coordinating with First Nations groups, noting that consultation is essential and a legal requirement.

Lou Henshaw provided an overview of the history of zoning on the Browning Marina properties.

Michale Sketch made several comments including the following:

- Recommended that the public information meeting and public hearing for STVRs be held separately.

- Provided a history of First Nations consultation on Pender Island, including the issues with James Island.
- Recommended that local governments take the initiative to set meetings with potentially impacted First Nations groups in their own facilities.

David Reed asked for clarification on Trustee Masselink's recommendation that applications consider a sub-aquatic archeological studies as well.

Lou Henshaw provided remarks on the history of First Nations relations on the island.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent, the meeting was adjourned at 12:21 pm.

George Grams, Chair

Certified Correct:

Shannon Brayford, Recorder



DRAFT

North Pender Island Local Trust Committee Minutes of Special Meeting

Date: November 5, 2016
Location: Royal Canadian Legion
1344 MacKinnon Road

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

Staff Present: Justine Starke, Island Planner
Robyn Ludwig, Recorder

Others Present: Approximately 35 members of the public present

1. CALL TO ORDER

Chair Grams called the meeting to order at 9:30 am. He acknowledged that the meeting was being held in traditional 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

Draft Advisory Planning Commission (APC) recommendations on Bylaw No. 203 & 204 are available for information.

4. COMMUNITY INFORMATION MEETING

4.1 North Pender Island Local Trust Committee Bylaws No. 203 & 204

Planner Starke provided background to the policy development and consultation process that resulted in proposed Bylaws No. 203 & 204. She explained the bylaws and how they will regulate STVRs through the Land Use Bylaw (LUB), the North Pender Island Official Community Plan (OCP), and Temporary Use Permit (TUP).

The community had questions regarding:

- restrictions on STVRs on multiple adjacent properties;
- penalties and the complaint process for bylaw infractions;
- restrictions on multiple STVRs on one property;

- the timeline for approving TUP applications;
- potential limits on the total number of TUPs issued;
- restrictions on watercraft on Buck and Magic Lakes
- different definitions of building vs. dwelling, property vs. lot
- communication between the LTC, STVR applicant and neighbours

Planner Starke clarified that the bylaws allow only one STVR per property, there is no limit on the number of properties that can have STVRs if allowed by zoning but that if a TUP is needed, the LTC can consider how many other STVRs there are in the neighbourhood; that bylaw enforcement fines could be issued, security deposits held, and permits not renewed as a way to enforce permits; that the TUP approval process would take three months or less; and that the TUP condition that there not be off-island watercraft on Buck Lake and Magic Lake is proposed to protect the lakes from potential contamination and the introduction of invasive species.

5. PUBLIC HEARING

5.1 Recess for Public Hearing

The Public Hearing was called to order at 10:00 am. See separate Public Hearing (PH) record dated November 5, 2016.

5.2 Recall to Order

Chair Grams recalled the meeting to order at 10:30am.

6. UPCOMING MEETINGS

6.1 Next Regular Meeting Scheduled for November 24, 2016, at the Pender Community Hall, Pender Island

7. ADJOURNMENT

By general consent the meeting was adjourned at 10:32 am.

George Grams, Chair

Certified Correct:

Robyn Ludwig, Recorder

DRAFT

North Pender Island Local Trust Committee Record of a Public Hearing Proposed Bylaws No. 203 & 204

Date: November 5, 2016
Location: Royal Canadian Legion
1344 MacKinnon Road

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

Staff Present: Justine Starke, Island Planner
Robyn Ludwig, Recorder

Others Present: Approximately 35 members of the public present

Chair Grams read the Chairperson's Opening Statement. Planner Starke summarized the hearing notice, and relevant agency comments.

- 5.1.1 North Pender Island Local Trust Committee Bylaw No. 203
- 5.1.2 North Pender Island Local Trust Committee Bylaw No. 204

Alison Higginson spoke in favour of STVRs, but with concerns about ambiguous language in the bylaws with respect to water usage, and about discriminatory restrictions on watercraft.

Annie Smith spoke in favour of STVRs, with similar concerns about water supply and watercraft.

Jim Burrows spoke to the need for clearer guidelines for STVRs, with concerns about the erosion of community and commercialization of residential neighbourhoods.

Marika Kenwell spoke in support of the bylaws, and the need for well-regulated STVRs as outlined in the bylaw amendments.

Chair Grams called for further submissions three times. Trustee Barber noted that the Magic Lake Water and Sewer Committee had conducted a survey and produced a report, which indicated support for regulated STVRs.

Chair Grams declared the Public Hearing closed at 10:24 am.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

RECORDER

DATE

Follow Up Action Report

North Pender Island

06-May-2016

Activity	Responsibility	Target Date	Status
10.1 - NP- RZ-2016.1 (Mainroad) - directs staff to proceed with the application NP-RZ-2016.1 (Mainroad)and to prepare draft bylaws.	Sharon Lloyd-deRosario Justine Starke Phil Testemale	26-May-2016	On Going

22-Sep-2016

Activity	Responsibility	Target Date	Status
-minutes of July 28 2016 adopted - Special meeting minutes of August 10 2016 adopted -Public hearing record of July 2015 adopted	Regina Robinson	27-Oct-2016	Done
Mayne Island Bylaw 170 - Interests unaffected	Sharon Lloyd-deRosario	12-Oct-2016	Done
STVR Bylaws 203 &204 - Second reading given	Sharon Lloyd-deRosario Justine Starke	27-Oct-2016	Done

27-Oct-2016

Activity	Responsibility	Target Date	Status
Charge audio recording equipment before each mothly LTC meeting.	Regina Robinson		Done
Minutes of Sept 22 2016 and October 6 adopted.	Regina Robinson	24-Nov-2016	Done
NP-DP-2016.5 (Townsend) - permit issued.	Sharon Lloyd-deRosario Phil Testemale	24-Nov-2016	Done

Follow Up Action Report

NP-RZ-2016.3 (Eakins) - Bylaw 207, 208, 209, 210 referred to the Advisory Planning Commission.	Justine Starke Phil Testemale Regina Robinson	24-Nov-2016	Done
NP-RZ-2016.2 (Port Browning Marina) - referred to the Advisory Planning Commission.	Justine Starke Phil Testemale Regina Robinson	24-Nov-2016	Done
Fees Bylaw 205 - Given first, second, and third reading and referred to the Executive Committee of Islands Trust.	Sharon Lloyd-deRosario Justine Starke	05-Nov-2016	On Going

Regina Robinson



From: Lou Henshaw [REDACTED]
Sent: Friday, November 04, 2016 1:47 PM
To: dibarber@shaw.ca; George Grams; Derek Masselink; [REDACTED] Justine Starke
Subject: Water

Hi Diane, The highways truck is working in front of the [REDACTED] farm as we speak, also weed whacking. Are they going to continue huge culverts across the property as this is the stream. They have done some already. I found an ad from CRD that says first streams and they all end at the ocean.

[REDACTED] valley becomes a complete DPA area if you leave [REDACTED] area as named stream. It ends at [REDACTED] property as a ditch down the road. Plain to see.

I find it odd that the trust says no stream at the [REDACTED] yet the water in the bay must be fresh as bay freezes periodically. one year a French family from France lived at the marina all winter , the bay froze full of ice. They actually walked across the bay on the ice. I never would have.

Salt water doesn't freeze. Now the talk of the island is they found eel grass so docks are on hold till the end of next summer. Also a body so they cant build their cabins at the oak tree. This island never sleeps, nor does [REDACTED]

I would like to prove our property water situation as no one believes me at the trust. I am the only one alive who knows the story and time is running out. Can someone please look at it soon [REDACTED] stream is named Hope Spring and Hope Brook.





File No.: NP-DP-2016.7 (Regehr)

DATE OF MEETING: November 24, 2016
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, A/Planner 2
Victoria Office
SUBJECT: Development Permit Application
Applicant: Doug Regehr
Location: 4727 Buccaneers Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2016.7 (Regehr)

REPORT SUMMARY

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

The application is to renovate an existing dwelling and attached deck by rebuilding the foundation, making interior and exterior changes and adding a covered walkway. The application is for measures for the protection of the sensitive riparian habitat and construction management for the proposed renovation sited within **Development Permit Area (DPA) Ten – Riparian and Aquatic.**

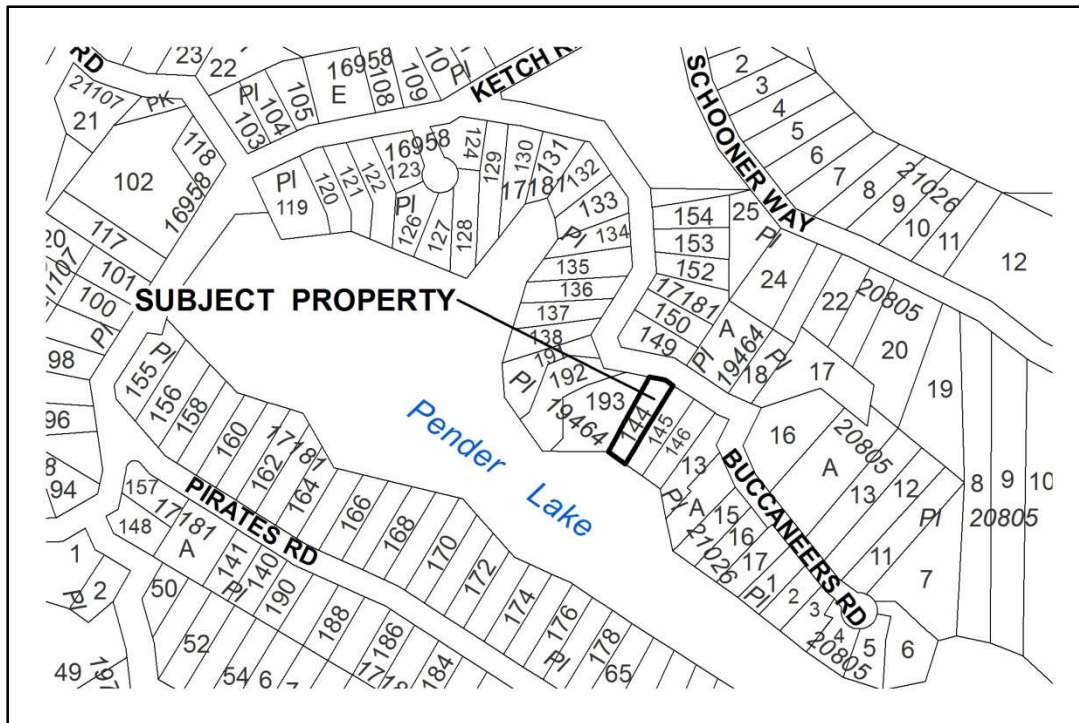
The specific objective of the designation of the DPA is:

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-2016.7(Regehr) are attached. (Attachment 3 & 5)

In summary, the above recommendation for the proposal is supported as it is moderate in scope, it meets the objectives and specific guidelines of the DPA and all recommendations of a Riparian Areas Regulation (RAR) Assessment Report have been incorporated into the proposed DP.

Figure One – Subject Property



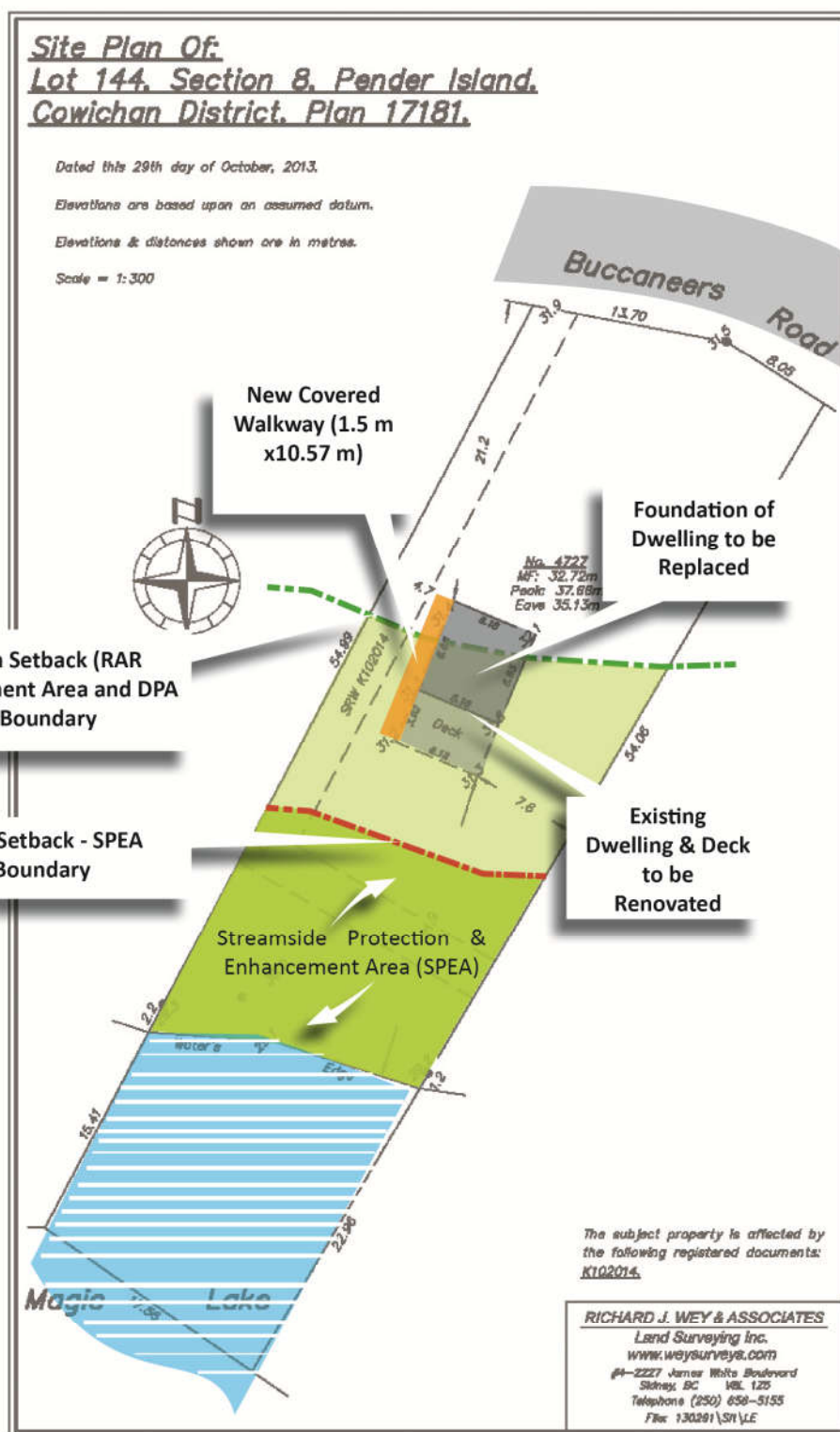
BACKGROUND

The applicants purchased the property with the existing small cabin and deck (65m²/700 ft² total area) in the spring of this year. Prior to purchasing the property, they contacted staff seeking advice on how to proceed as a portion of the house and the deck were in DPA 10 and they needed to undertake the work described above. They were informed of the DPA requirements and those for the provincial *Riparian Areas Regulations*. The owners accordingly hired Dan Baxter, R.P.Bio of Caurinus Environmental who prepared and submitted a Riparian Areas Regulation (RAR) Assessment Report ("assessment report," dated September 3, 2016) to the provincial Ministry of Forests, Lands and Natural Resources Operations (FLNRO). Confirmation that it complied with the RAR methodology was given on September 29, 2016.

The assessment report is attached in full (Attachment 4).

Staff will visit the site on November 17, 2016

Figure Two – 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 **Rural Residential - RR** in the North Pender Island Official Community Plan Bylaw No. 171, 2007.

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

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).

Professional Report

The RAR Assessment report by Dan Baxter, RP Bio. is discussed in the following section.

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.”*

In addition, analysis of the proposal’s conformity with the guidelines of the DPAs is contained within ‘**DAI Checklist**’ (Attachment 3).

Scope of Development

The proposed development is limited to the replacement of foundations, exterior and interior renovations and the addition of a 15.8 m² (170 ft²) covered walkway along one side of the dwelling (Figure 2). The combined area of the dwelling and deck (lot coverage) will be 80.8 m² (870 ft²) conforms to the LUB for use, density and siting.

RAR Assessment Report

As a requirement of provincial *Riparian Areas Regulations*, a RAR Assessment Report was prepared and submitted to the FLNRO by Dan Baxter, R.P.Bio. (Caurinus Environmental Ltd. – September 3, 2016).

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. 3 – 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. (Attachment 2.1)

The assessment report established the Streamside Protection and Enhancement Area (SPEA) at 15 metres perpendicular from the High Water Mark (HWM) of the lake (Figure Two and Attachment 2.1). The existing house and deck and the proposed covered walkway are all sited outside of the SPEA. Measures for the protection of the area recommended under *Tree Protection, Construction Management, Sediment and Erosion Control, Stormwater Management, Delineation of SPEA and Monitoring* (Details in 'Issues and Opportunities' – below). In addition the report recommended delineation of the SPEA with a permanent barrier or a hedge. All recommendations 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 to the benefit of the property as a whole. The property owners are committed to retaining as much as possible of the natural features of the property and implementing the measures will help retain and provide ecological value while still providing the space needed for construction.

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 and compliance with the DPA guidelines staff is recommending that the LTC approve issuance of Development Permit NP-DP-2016.7 (Regehr) as per the resolution on Page 1.

ALTERNATIVES

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

1. Request further information

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

Resolution:

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

2. Deny the application

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

Resolution:

That the North Pender Island Local Trust Committee deny application NP-DP-2016.7 (Regehr).

Submitted By:	Phil Testemale, A/Planner 2	November 9, 2016
Concurrence:	Robert Kojima, Regional Planning Manager	November 9, 2016

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. DPA Checklist
4. Riparian Areas Regulation (RAR) Assessment Report Caurinus Environmental, September 3, 2016)
5. Development Permit

ATTACHMENT 1: SITE CONTEXT

LOCATION

Legal Description	Lot 144, Section 8, Pender Island, Cowichan District, Plan 17181
PID	003-907-023
Civic Address	4727 Buccaneers Road
Property Size	0.15 ha (.37 ac)
Site Description	The subject property is located on the north shore of Pender (Magic) Lake. The property is relatively flat/gently sloping from Buccaneers Road south toward the lake. There are some mature trees (deciduous and coniferous) with the majority of the property having been cleared and landscaped with lawn. The existing structures on the property are the 41 m ² (440 ft ²) single level dwelling (built on posts and piers) with a 24 m ² (258 ft. ²) and a small dock with a low ramp. (Attachment 2.5 – Photos).

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
None	

POLICY/REGULATORY

Official Community Plan Designations	North Pender Island Official Community Plan No.171, 2007: RR – Rural Residential designation & Development Permit Area 10 – Riparian and Aquatic Habitat
Land Use Bylaw	North Pender Island Land Use Bylaw No. 103, 1996: Rural Residential (RR)
Other Regulations	None
Covenants	None
Bylaw Enforcement	None

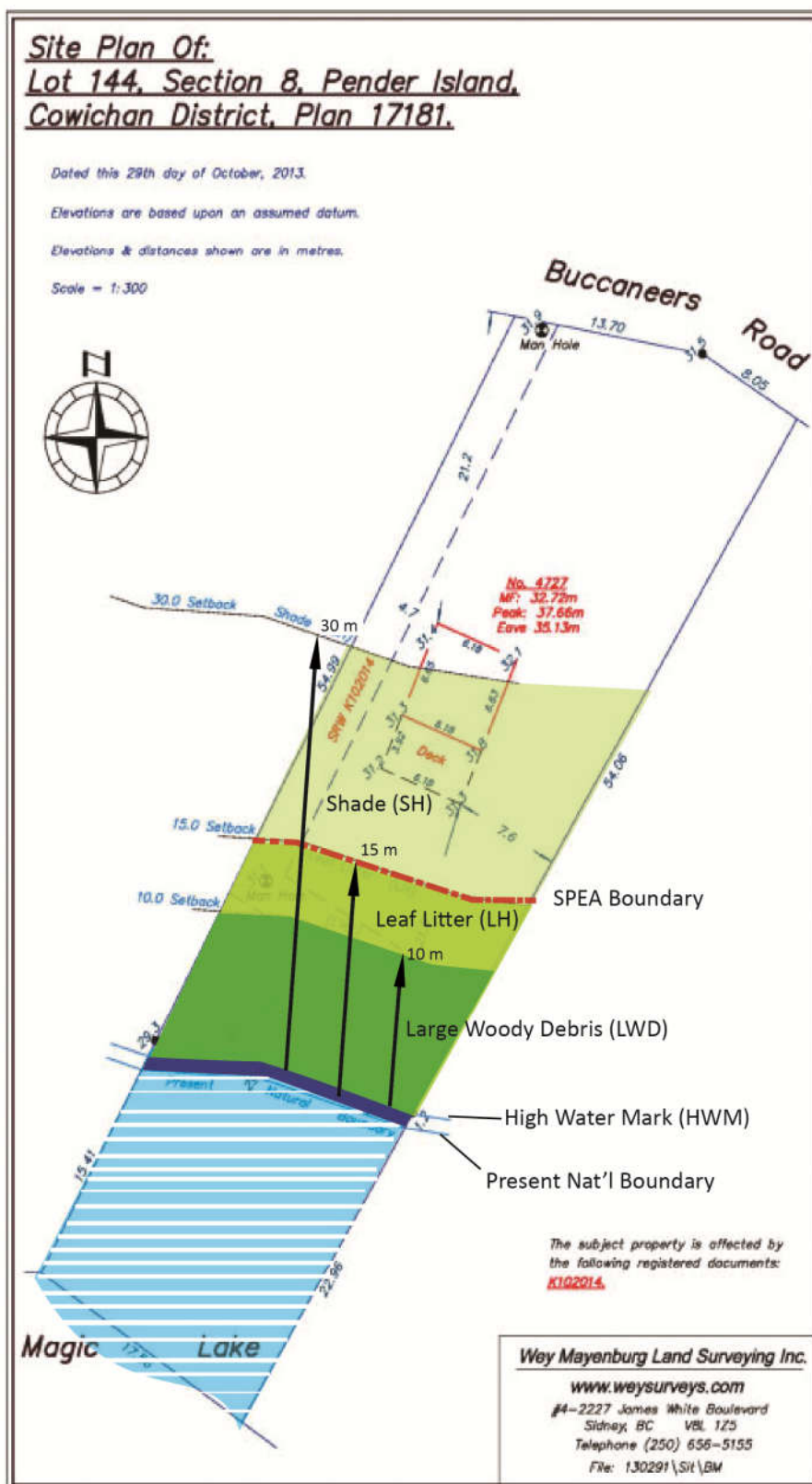
SITE INFLUENCES

Islands Trust Fund	There are no Trust Fund Board or Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Fund Regional Conservation Plan.
Species at Risk	None identified through The Riparian Area Regulations (RAR) process.

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 proposed NP-DP-2016. 7.
Hazard Areas	The property does not have any steep slope hazard areas identified on it and the height of Magic Lake is regulated by a weir.
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The proposal is for minimal new construction and establishing, enhancing and protecting the SPEA will help offset greenhouse gas emissions. The elevation of the property and general location minimizes potential impacts of climate change.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

ATTACHMENT 2: MAPPING & PHOTOGRAPHS

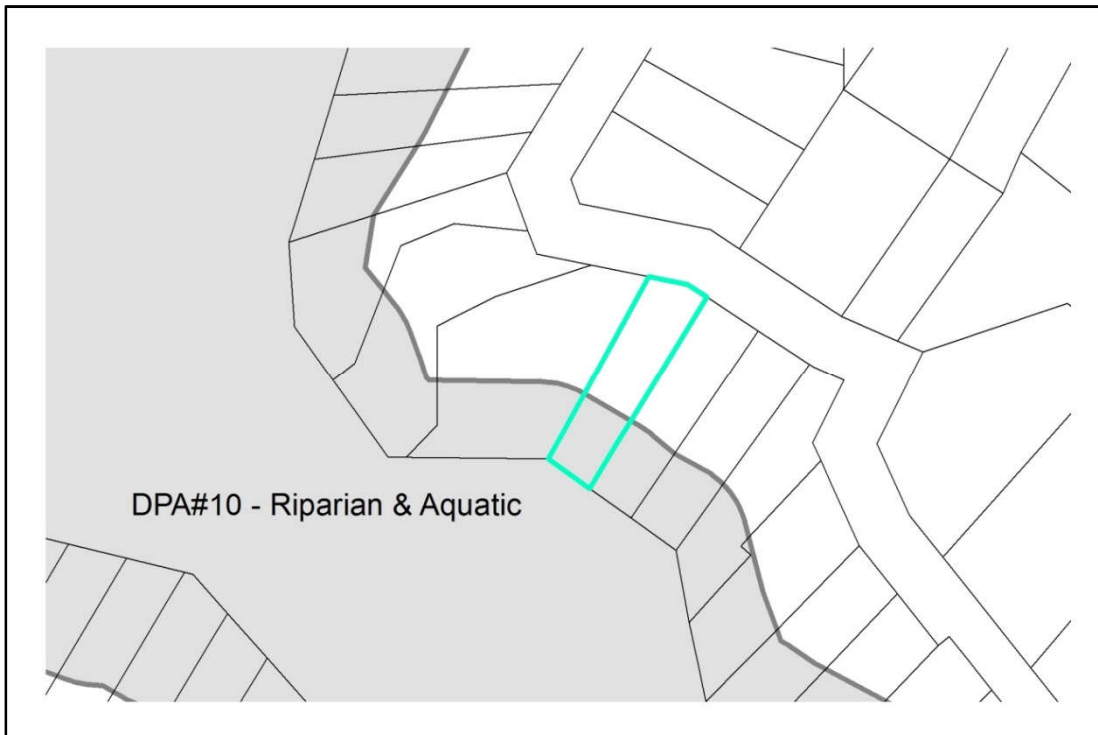
ATTACHMENT 2.1 BIOLOGIST'S SITE PLAN (ENHANCED FOR REPORTING)



ATTACHMENT 2.2 ORTHOPHOTO



ATTACHMENT 2.3 DEVELOPMENT PERMIT AREA



ATTACHMENT 2.4 ZONING



ATTACHMENT 2.5 PHOTOGRAPHS

To be submitted at LTC Meeting November 24, 2016

ATTACHMENT 3: RIPARIAN AND AQUATIC DPA CHECKLIST: NP-DP-2016.7 (REGEHR) RENOVATION TO DWELLING

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 (RAR)</i> Assessment Report was prepared by Dan Baxter, R.P.Bio of Caurinus Environmental and submitted to the province (dated September 3, 2016). The provincial Ministry of Forests, Lands and Natural Resources Operations confirmed that it complied with the RAR methodology on September 29, 2016. Conditions based on recommended measures in RAR Assessment Report placed in draft DP for <i>Tree Protection, Construction Management, Sediment and Erosion Control, Stormwater Management 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 - building is 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.	Conditions in draft DP.
4. The following guidelines are applicable to floats and associated structures within the development permit area: i) floats should not be placed in areas identified	N/A

Guidelines	Comments
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 **Sept 3, 2016****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)	0.02	Riparian Length (m)	23
Lot Area (ha)	0.15	Nature of Development	Redevelopment
Proposed Start Date	September 2016	Proposed End Date	December 2016

V. Location of Proposed Development

Street Address (or nearest town)	4727 Buccaneers Road						
Local Government	Islands Trust				City	Pender Island	
Stream Name	Magic Lake						
Legal Description (PID)	003-907-023				Region	Vancouver Island	
Stream/River Type	Lake				DFO Area	South Coast Area	
Watershed Code	925-258000-88400						
Latitude	48°	47'	14"	N	Longitude	123°	15'
							27"
							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 August 2016, Caurinus Environmental was contracted by Doug Regehr to complete an environmental inventory and impact assessment for the replacement of a house foundation and expansion of the deck on the west side of the house within the designated riparian and aquatic ecosystem located on Pender Island at 4727 Buccaneers Road (Figure 1). This extension will only be an exterior elevated walkway that runs the north/south, length of the existing house (20'). Other than that the only other construction will be outside of the existing 30 m rear set back (towards the street). 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 2016) is located on North Pender Island, British Columbia and receives an average annual precipitation of 850 mm (Weather Network 2016). 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 2016). Rainbow trout (*Oncorhynchus mykiss*) are present in Magic Lake and were last re-stocked in 2006 (Fishwizard 2016). 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).mmmmm

The subject area consists of a generally level slope beginning near the northeastern property boundary near Buccaneers Road, and continuing towards Magic Lake on the southwestern side of the property. The proposed area is currently zoned RR2 (Rural Residential) and is surrounded by RR2 zones to the north, south, east, and Magic (Pender) Lake to the west. The subject property is accessed on Buccaneers Road in the Magic Lake area (Figure 2). The property begins at the east corner, and transitions to a gentle downward slope that runs west toward 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 existing home site has been previously disturbed by historic land use and is composed of an open, well maintained lawn.

Riparian vegetation around Magic Lake is very limited as it is surrounded by residential developments with houses and landscaping commonly present up to the water edge. 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.

Flora

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

- 3106: 100% Douglas-Fir-Salal, Rural Residential
- 3136: 100% Douglas-Fir-Salal, Rural Residential
- 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 oregonum*).

Site Inventory Description:

All polygons on the property have been previously disturbed 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 Douglas-fir – Salal classification has a

cooler aspect than is typical. In the riparian, the dominant vegetation consists of local and introduced grasses with young Douglas-fir, western red cedar on the north side of the property, with reed grasses and rushes along the shore. Plant species present include an invasive species: spurge-laurel (*Daphne laureola*), as well as introduced species such as Hairy cat's-ear (*Hypochaeris radicata*). Native species include; slough sedge (*Carex obnupta*), common rush (*Juncus effuses*), salal, common foxglove (*Digitalis purpurea*), trailing blackberry (*Rubus ursinus*), dull Oregon-grape, rattlesnake plantain (*Goodyera pubescens*), small-flowered forget-me-not (*Myosotis laxa*), deer fern (*Blechnum spicant*) and sword fern. No species from Table 1 were detected; however, the timing of our investigation (mid-summer) would not preclude their potential occurrence at some other point during the growing season (this would apply to all plant species). Given the prior disturbance to the area, however, it is unlikely that rare species would be found on site at any time of year.

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 nine bird species were observed during the site visit. Five were observed on or near the subject property, while the remaining three were detected on Magic Lake. Canada goose was detected by remnant droppings on the property. The birds detected on site are typical for the area in late summer. No species at risk were detected. No passerine, heron or raptor nests were detected during the site visit.

Table 3. List of bird species detected or observed at 4727 Buccaneers Road (Pender Island, BC).

Common Name	Genus Species
Terrestrial	
Turkey vulture	<i>Cathartes aura</i>
Pine siskin	<i>Carduelis pinus</i>
Anna's Hummingbird	<i>Calypte anna</i>
Red-breasted Nuthatch	<i>Sitta canadensis</i>

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Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Chestnut-backed Chickadee	<i>Poecile rufescens</i>
Canada goose	<i>Branta canadensis</i>
Aquatic	
Mallard	<i>Anas platyrhynchos</i>
Pied-billed grebe	<i>Podilymbus podiceps</i>
Belted Kingfisher	<i>Megaceryle alcyon</i>

Mammals

Two species of mammal were 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
- Raccoon (*Procyon lotor*) tracks

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

One northwestern garter snake (*Thamnophis ordinoides*) was detected on site. No hibernacula were found on the property.

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: Aug 25, 2016

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 (%)

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

starting point			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>Everest Lapp</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.
upstream			
downstream			
Total: minus high /low mean			
	R/P	C/P	S/P
Channel Type			

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, <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>Everest Lapp</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.
Polygon No:			Method employed if other than TR
	LC	SH	TR
SPVT Type			X
Polygon No:			Method employed if other than TR
	LC	SH	TR
SPVT Type			
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	Yes		No		If non-fish bearing insert no fish	

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Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Bearing					bearing status report	
SPEA maximum	15	(For ditch use table3-7)				

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>Everest Lapp</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 as the largest of the three ZOS. 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. Based on the above ZOS, we therefore assessed the SPEA setback for Magic Lake at 4727 Buccaneers Road to be 15 m.

Section 3. Site Plan

Insert jpg file below

Site Plan

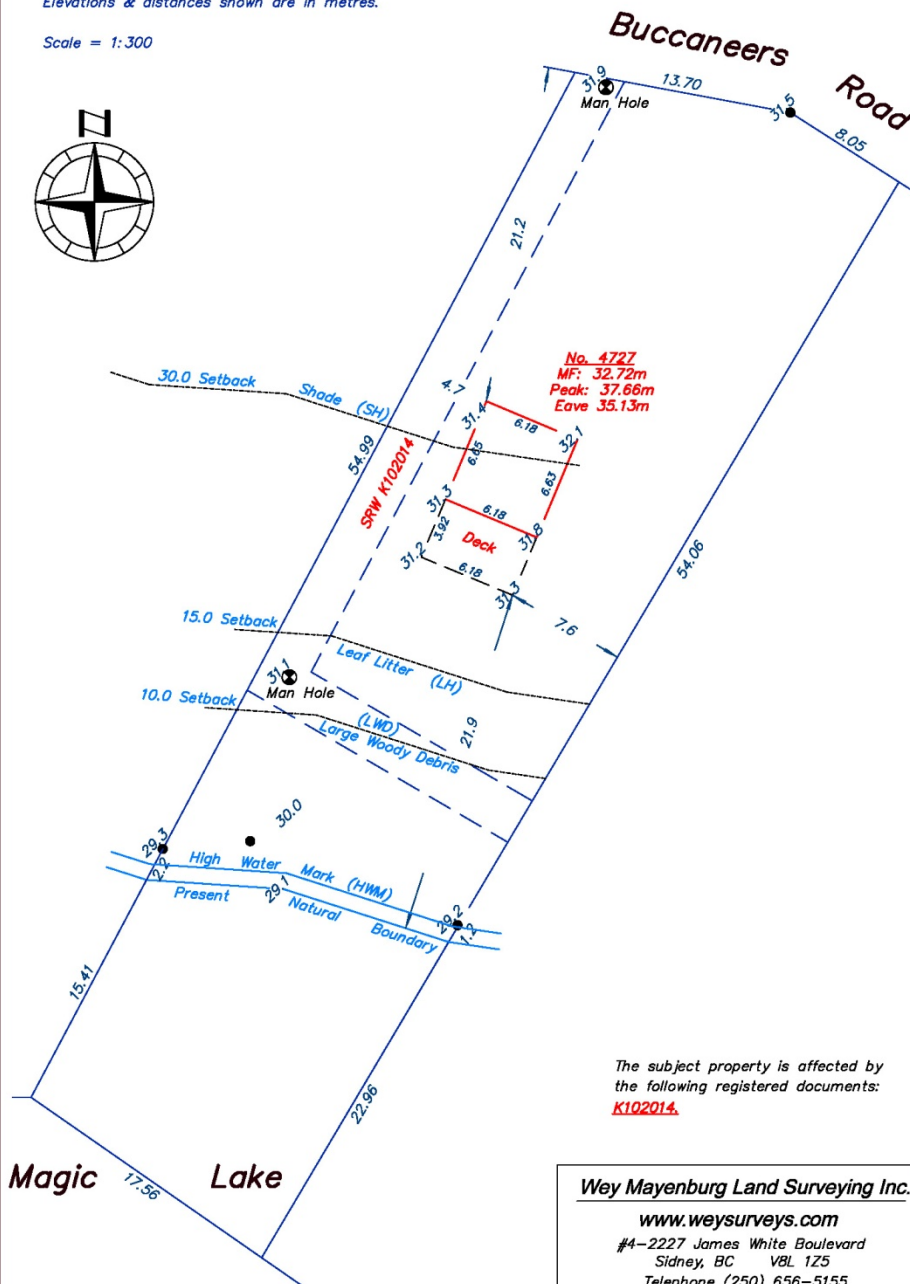
Site Plan Of:
Lot 144, Section 8, Pender Island,
Cowichan District, Plan 17181.

Dated this 29th day of October, 2013.

Elevations are based upon an assumed datum.

Elevations & distances shown are in metres.

Scale = 1:300



The subject property is affected by the following registered documents:
K102014.

Wey Mayenburg Land Surveying Inc.

www.weysurveys.com

#4-2227 James White Boulevard
Sidney, BC V8L 1Z5

Telephone (250) 656-5155

File: 130291\Sit\BM

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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>Doug Regehr</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>Doug Regehr</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>Doug Regehr</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 15 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>Doug Regehr</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>Doug Regehr</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> ;	

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b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Doug Regehr</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	
7. Stormwater Management	Stormwater will be returned to ground. During and upon completion of dwelling construction, all runoff from eavestroughs should be diverted away from the Riparian area.
I, <u>Daniel Baxter</u> (<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>Doug Regehr</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	
8. Floodplain Concerns (highly mobile channel)	No Concerns
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>Doug Regehr</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	

Section 5. Environmental Monitoring

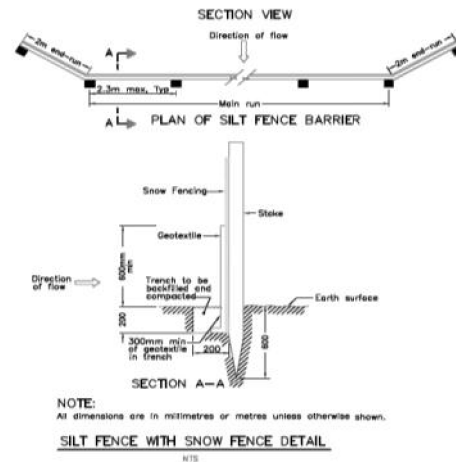
Attach text or document files explaining the monitoring regimen Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications 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 as much as possible of the natural features and character of the property. 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 sediment in natural areas.

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 COURSE, 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.



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 (i.e. Scotch broom, spurge-laurel) is recommended throughout the entire property to prevent their continued spread and improve the quality of natural areas.
5. Landscaping and restoration of natural areas should be conducted using only native plant species.
6. Minimize disturbance and maintain undeveloped habitat in as natural a state as possible.

7. 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.
8. A spill kit will be present on all equipment.
9. 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.
10. All work should be completed during dry weather. Construction and landscaping works will not occur during rain deposition events.
11. During and upon completion of dwelling renovation, all runoff from eavestroughs should be diverted away from the Riparian and Aquatic DPA.

It is recommended to install a permanent barrier or vegetated hedge to delineate SPEA from further encroachment. A recommended follow-up visit may be necessary once riparian fencing is established and when construction 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 divided into two distinct section; the front of the house which is a soil/sand/gravel composite (Plate 1) and the back of the house which is an open area covered in grass (Plate 2). The current 30 m riparian edge extends mid-way through the house (Plate 3). The riparian area consists of an open grassy area with some semi-aquatic grasses, sedges and rushes (Plate 4).



Plate 1. View of property from Buccaneers Road, looking southwest.



Plate 2. View of grassy riparian area, looking southwest.



Plate 3. View of edge of current riparian area at 30 m marking (designated by wooden marker) looking southwest.



Plate 4. Near shore riparian section.

Section 7. Professional Opinion**Assessment Report Professional Opinion on the Development Proposal's riparian area.**Date Sept 5, 20161. 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 Doug Regehr, 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.

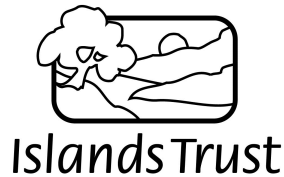
Tips for working with MS Word Template Forms

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-2016.7

To: Doug & Karen Regehr

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

Lot 144, Section 8, Pender Island, Cowichan District, Plan 17181
PID: 003-907-023

2. This Development Permit NP-DP-2016.7 (DP) authorizes the renovation of an existing 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 Area (SPEA) 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 invasive plant species (i.e. Scotch broom and spurge-laurel) on the subject property is encouraged.

Construction Management

- d. All contractors and construction personnel are to be notified of the location of the SPEA and the conditions of this DP.
- e. There must be no encroachment into the SPEA by heavy equipment or machinery.
- f. Prior to arrival on site, hired contractors should wash and inspect all vehicles and equipment to ensure invasive plant seeds are not transported onto the subject property.
- g. Prior to leaving on site, hired contractors should inspect all vehicles and equipment to ensure invasive plant seeds are not transported off of the subject property.
- h. There must be no deposition into the SPEA of any materials from the construction process such as rock, soil or vegetation.
- i. There must be no storage of building materials within the DPA.
- j. A spill control kit shall remain on site for the entire construction period.

Sediment and Erosion Control

- k. 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. All construction and landscaping is to be undertaken during dry weather and not during periods of prolonged rainfall.
 - ii. Prior to commencing construction, the area outside of the building footprint, to the south and for the width of the property, shall be delineated

with temporary fencing and 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

- I. 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 the Buccaneers Road.

Delineation of SPEA

- m. A permanent barrier or vegetated hedge using native plant species is to be erected along the SPEA boundary as shown on Schedules 'A' & 'B', attached to and forming part of this permit.
- n. For clarity, an unpaved pathway for access across the SPEA to the foreshore and lake is permitted with a maximum width of 0.8 m.

Monitoring

- o. 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. 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.
 - 5. 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.
 - 6. 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.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, THIS rd DAY OF , 2016.

Deputy Secretary, Islands Trust

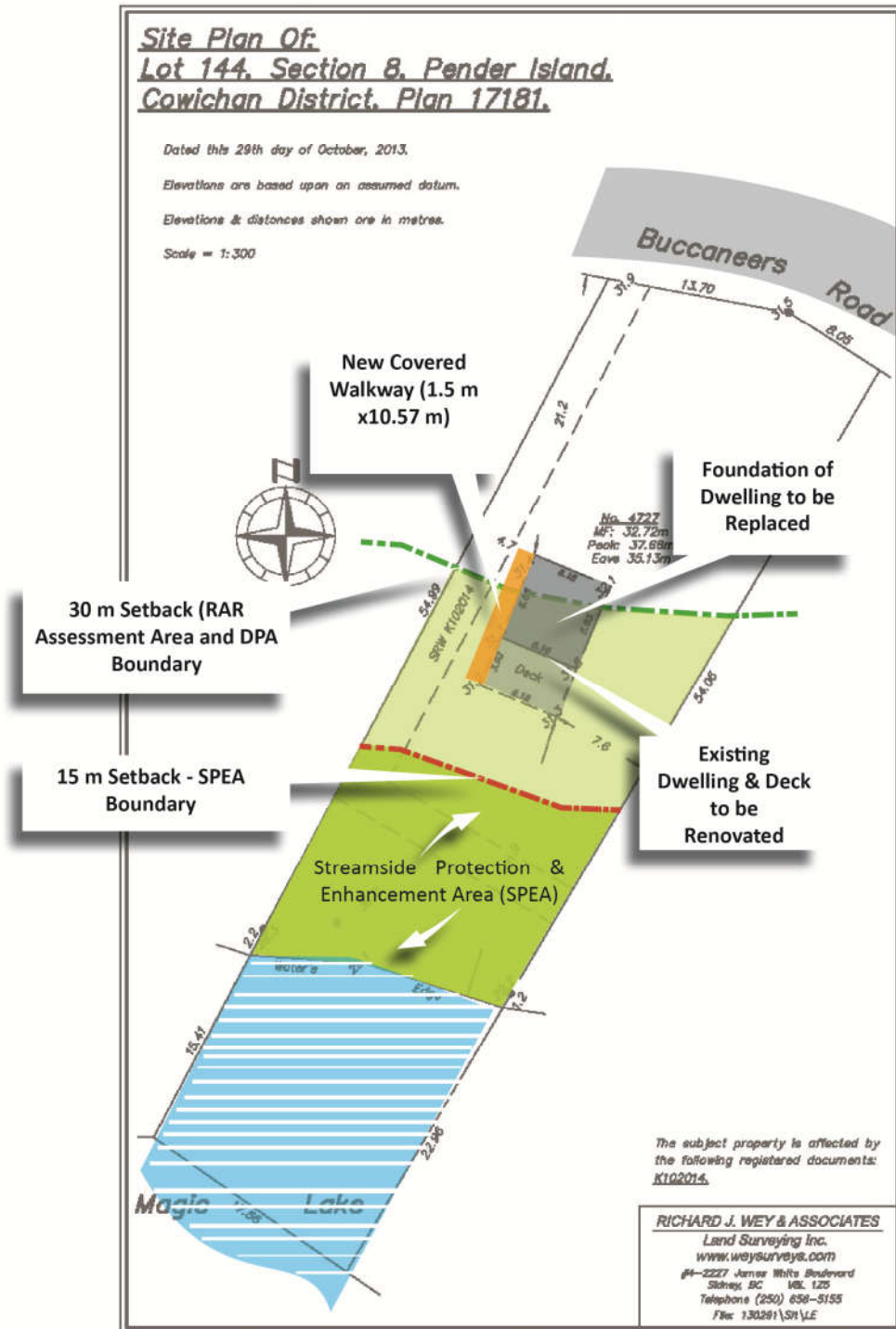
_____, 2016
Date Issued

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

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2016.7 Schedule "A"

Site Plan

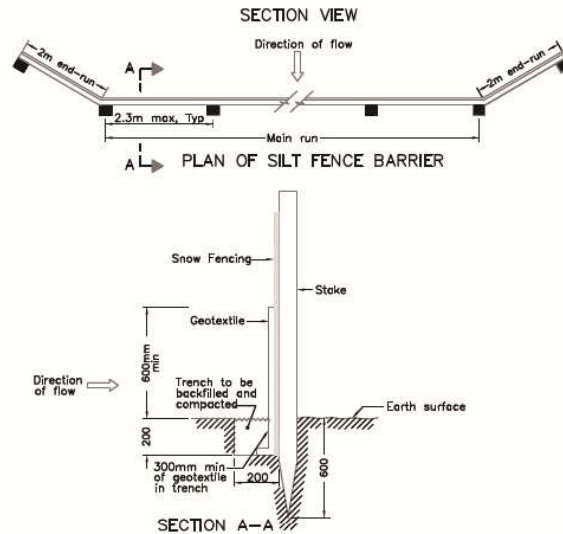


**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2016.7
Schedule "C"**

Erosion and Sedimentation Control Measures

EROSION AND SEDIMENTATION

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



NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL

NTS



File No.: NP-DP-2016.8 (Elevation Design)

DATE OF MEETING: November 24, 2016
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, A/Planner 2
Victoria Office
SUBJECT: Development Permit Application
Applicant: Elevation Design Studio Ltd.
Location: 4717 Buccaneers Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2016.8 (Elevation Design Studio)

REPORT SUMMARY

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

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

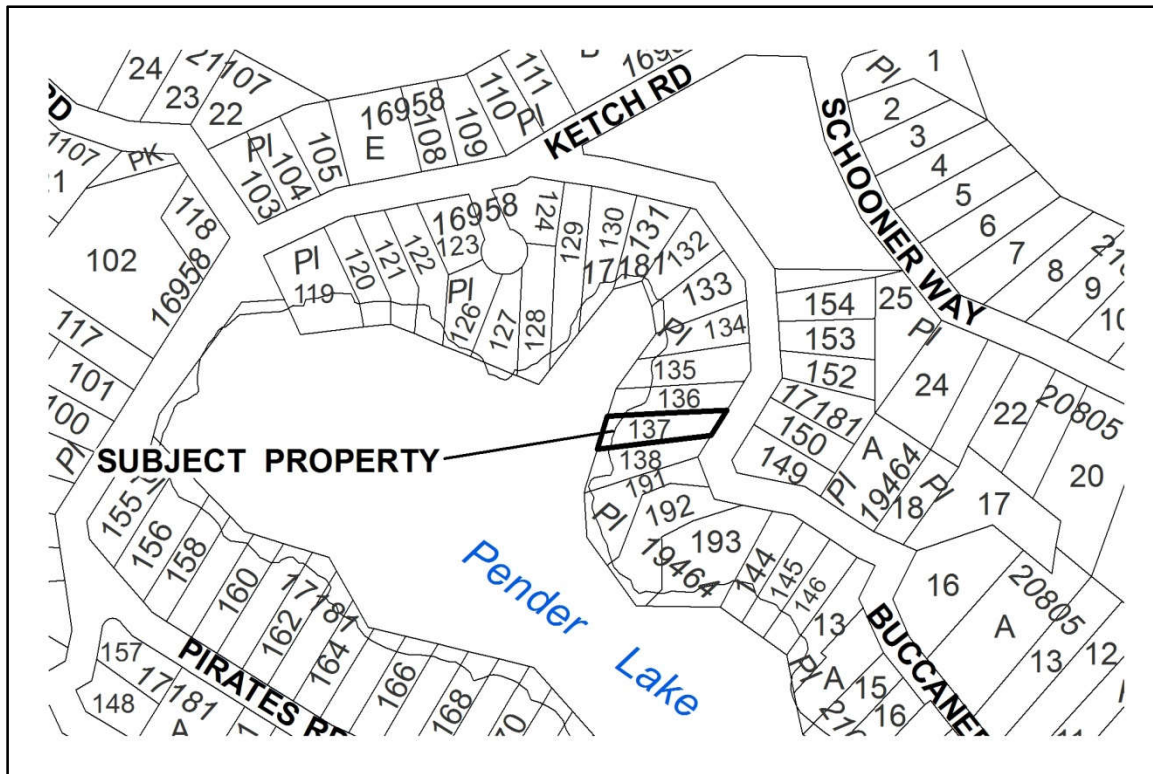
The specific objective of the designation of the DPA is:

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-2016.8 (Elevation Design Studio Ltd.) are attached. (Attachment 3 & 6)

In summary, the above recommendation for the proposal is supported as both the proposed residence and dock 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 Report for the upland as well as a biologist's report for the water portion have been incorporated into the proposed DP.

Figure One – Subject Property



BACKGROUND

The subject property is currently vacant and the owners have hired Elevation Design Studio early in 2016 to design a new dwelling, accessory building and dock. The proposed new dwelling is 466 m² (1529 ft²) in size and the dock structure includes a 15 m² (163 ft²) float and a ramp that is 1.18 m wide x 8.8 m long (10.4 m²/111 ft² - See Attachment 2.5). It is noted that the development proposal includes a 53 m² (574 ft²) garage which is outside of the DPA and is not part of this application. The proposed dwelling site has been previously disturbed by historic uses and minimal tree removal is proposed. The proposed development and the DP Area are shown in Figure 2.

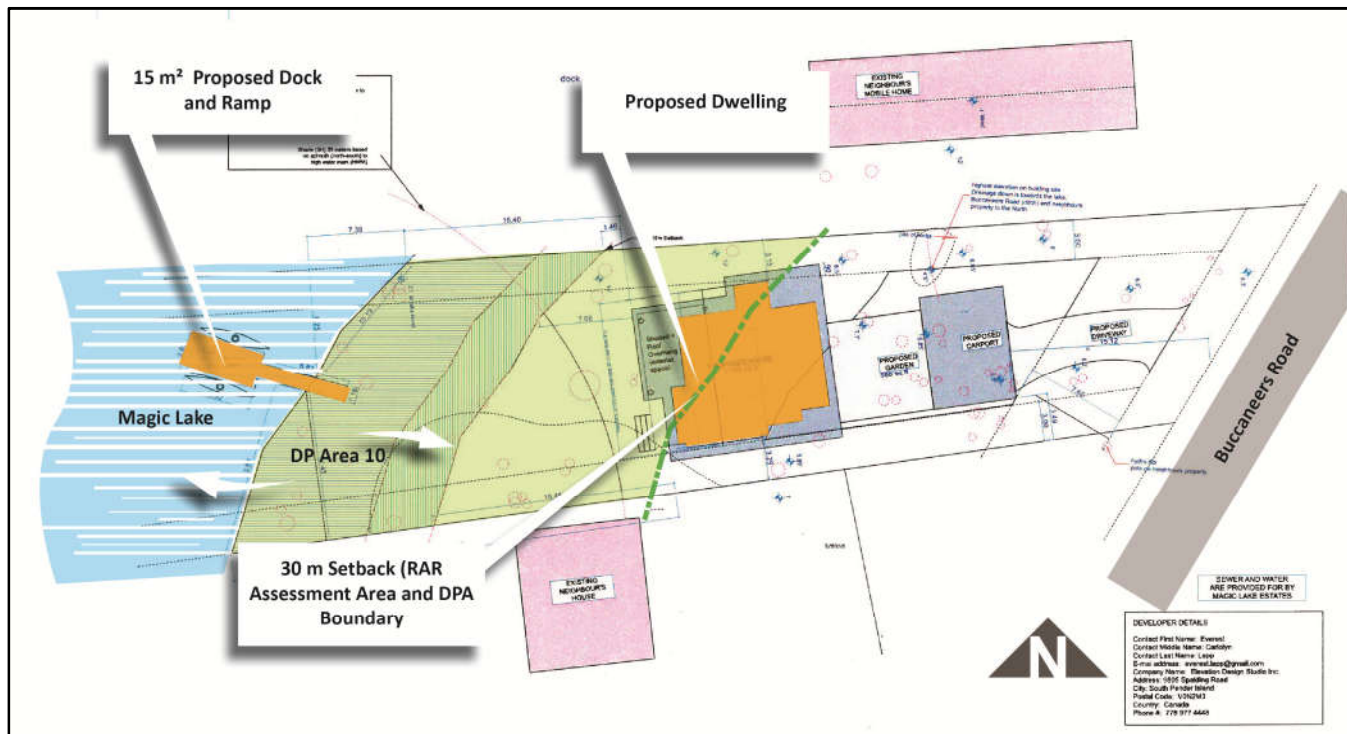
As DPA 10 is designated on the property, the applicants are required to comply with the DPA guidelines as well as provincial *Riparian Areas Regulations*. Accordingly, the applicant's hired Dan Baxter, R.P.Bio of Caurinus Environmental who prepared and submitted a Riparian Areas Regulation (RAR) Assessment Report ('RAR assessment report,' dated March 19, 2016) to the provincial Ministry of Forests, Lands and Natural Resources Operations (FLNRO). Confirmation that it complied with the RAR methodology was given by FLNRO March 30, 2016. The RAR was further updated on November 7, 2016 to accommodate the omission of the dock proposal and confirmation of methodology was forwarded November 8, 2016.

Dan Baxter did not have the aquatic expertise to complete the assessment of the water portion, so the applicant hired Kathy Reimer, R.P. Bio. to complete a separate biological assessment for the proposed recreational dock (October 24, 2016 - 'Biologist's dock report' – Attachment 5).

For clarification, DPA 10 is designated over the entire water body of Magic Lake and within 30 metres upland from the natural boundary of the lake. The provincial Riparian Areas Regulation, however, only applies to the upland area, not the water body. A Section 11 application (works within a stream [including lakes]) will be required from the R.P. Bio. under the *Water Sustainability Act* (WSA) for the dock, however this can be made after the DP is issued.

Staff will visit the site on November 17, 2016

Figure Two – 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 **Rural Residential - RR** in the North Pender Island Official Community Plan Bylaw No. 171, 2007.

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

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 of the proposed dwelling meets the setback requirements of the LUB as do the size and siting of the proposed dock structure.

Biologist's Reports

The recommendations of the two (2) professional reports (RAR Assessment Report and Biologist's Dock Report) are discussed in the following section.

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 466 m² (1529 ft²) dwelling and a 15 m² (161 ft²) dock with a 10 m² (100 ft²) ramp. Relative to other residential development around Magic Lake the scope of the development is modest and it conforms to the LUB for use, density and siting. In addition, the design is sensitive and proposed clearing and disturbance is minimal.

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. (Attachment 2.1)

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 (Attachment 2.1).

The proposed dwelling and garage development are outside of the SPEA. A small portion of the dock's ramp access infringes on the SPEA. In addition a minimal access (foot) path is to be developed under the supervision of the monitoring QEP. Access for recreation is permitted in the implementation guidelines for RAR and therefore the portion of the ramp in the SPEA is acceptable.

Measures for the protection of the 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 that the property owners are committed to retaining as much as possible of the natural features of the property and implementing the measures will help retain and provide ecological value while still providing the space needed for construction.

Biologist's Dock Report

The Biologist's dock report (Attachment 5) described the development, inventoried the habitat values and made recommendations for mitigation of impacts. The latter were assigned under measures to: 1. protect the SPEA during dock placement; 2. prevent impacts and reduce disturbance below the High Water Mark (HWM); and 3. prevent equipment from disturbing the foreshore lake. The report included a completed DPA Checklist. All recommendations of the Biologist's dock report have been incorporated into the proposed DP.

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

Consultation:

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

Rationale for Recommendation:

Based on the conclusions and recommendations of the RAR assessment report and the Biologist's dock report that both comply with the DPA guidelines, staff is recommending that the LTC approve issuance of Development Permit NP-DP-2016.8 (Elevation Design Studio Ltd.) as per the resolution on Page 1.

ALTERNATIVES

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

1. Request further information

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

Resolution:

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

2. Deny the application

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

Resolution:

That the North Pender Island Local Trust Committee deny application NP-DP-2016.8 (Elevation Design Studio Ltd.).

Submitted By:	Phil Testemale, A/Planner 2	November 14, 2016
Concurrence:	Robert Kojima, Regional Planning Manager	November 15, 2016

ATTACHMENTS

[Reorder/add/delete/modify attachments as needed:

1. Site Context
2. Maps, Plans, Drawings, Photographs
3. DPA Checklist
4. Riparian Areas Regulation (RAR) Assessment Report (Caurinus Environmental, March 19, 2016 – updated November 7, 2016).
5. Magic Lake - Recreation Dock Construction Report (Kathy Reimer, RP Bio., October 24, 2016)
6. Development Permit

ATTACHMENT 1: SITE CONTEXT

LOCATION

Legal Description	Lot 137, Section 8, Pender Island, Cowichan District, Plan 17181
PID	003-905-047
Civic Address	4717 Buccaneers Road
Property Size	0.14 ha (.34 ac)
Site Description	The subject property is located on the north and east shore of Pender (Magic) Lake. The property is relatively flat/gently sloping from Buccaneers Road in the east down toward the lake in the west. The proposed home site has been previously disturbed by historic use (clearing for logging or development) and the makeup of the property is regenerating open forest with grassy thin soil and moss covered rock conglomerate. There are no structures currently on the property. (Attachment 2 – Photos).

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
None	

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	None
Covenants	None
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Fund	There are no Trust Fund Board or Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Fund regional conservation plan.
Species at Risk	None identified through The Riparian Area Regulations (RAR) process.

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 proposed NP-DP-2016.8 (Elevation Design)
Hazard Areas	The property has only a small area of low steep slope hazard areas identified on it and the height of Magic Lake is regulated by a weir.
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The proposal is for establishing SPEA will help offset greenhouse gas emissions. The elevation of the property and general location minimizes potential impacts of climate change.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

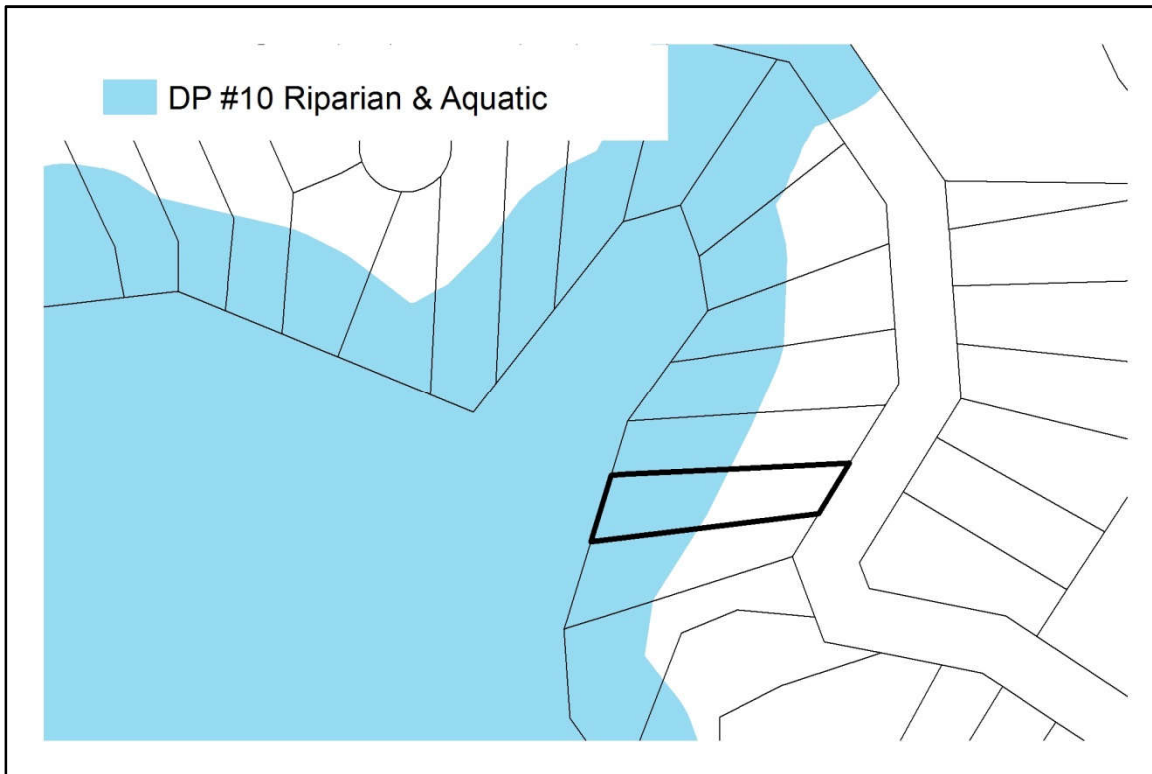
ATTACHMENT 2.1 BIOLOGIST'S SITE PLAN (ENHANCED FOR REPORTING)



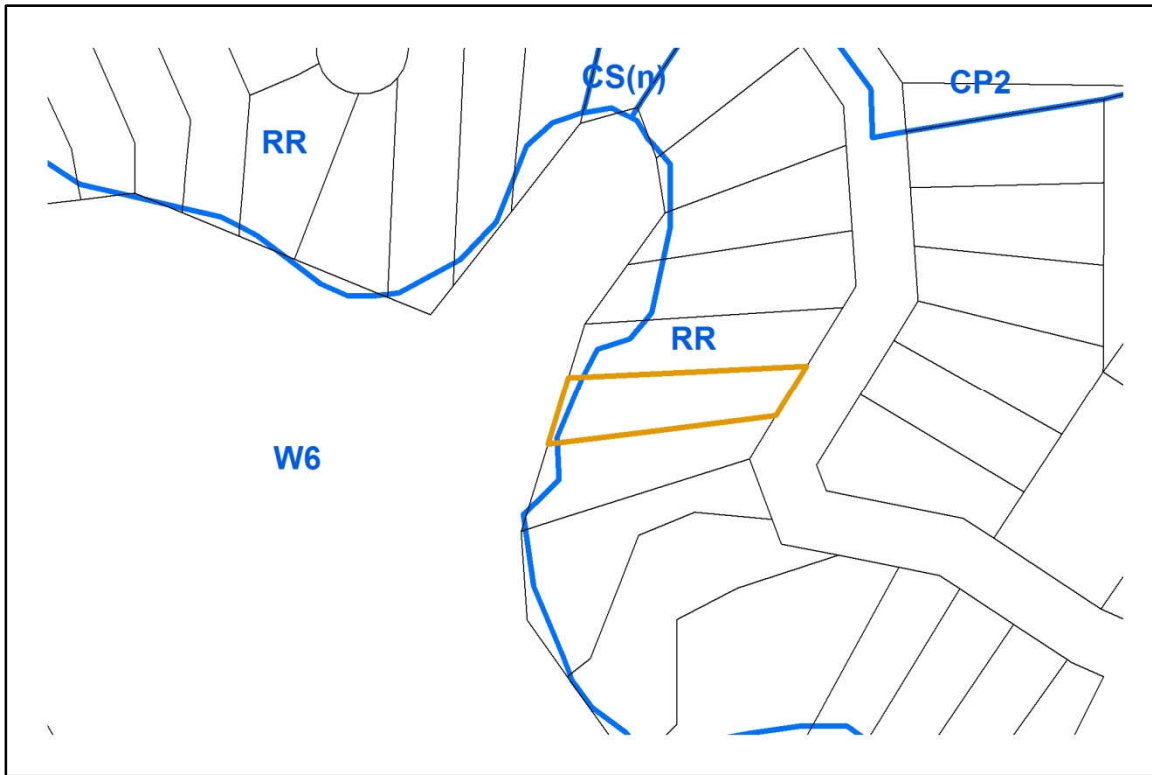
ATTACHMENT 2.2 ORTHOPHOTO



ATTACHMENT 2.3 DEVELOPMENT PERMIT AREA



ATTACHMENT 2.4 ZONING



ATTACHMENT 2.5 PHOTOGRAPHS

To be submitted at LTC Meeting November 24, 2016

**ATTACHMENT 3: DP CHECKLIST RIPARIAN AND AQUATIC DPA CHECKLIST: NP-DP-2016.8 (ELEVATION DESIGN)
New Dwelling and Dock**

Guidelines	Comments
1. In general, all development in this DPA should be undertaken in a manner that minimizes impacts on the riparian area and on aquatic ecosystems, including from the application of pesticides and other chemicals for non-essential cosmetic purposes. Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and aquatic ecosystems, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and aquatic ecosystems, consistent with the measures and recommendations described in the report.	<i>Riparian Areas Regulations (RAR)</i> Assessment Report was prepared by Dan Baxter, R.P.Bio of Caurinus Environmental and submitted to the province March 19, 2016). The provincial Ministry of Forests, Lands and Natural Resources Operations (FLNRO) confirmed that it complied with the RAR methodology on March 30, 2016. The report was updated on November 7, 2016 to include a portion of the dock's ramp in the SPEA. This was confirmed by FLNRO on November 8, 2016. 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 – dwelling is outside of SPEAs. Dock's ramp and access path are permitted in SPEA under RAR Implementation Guidelines.
3. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.	Conditions in draft DP.

Guidelines	Comments
4. The following guidelines are applicable to floats and associated structures within the development permit area: i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the feature; 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.	A Biologist Report prepared by Kathy Reimer R.P. Bio. Analyzed and made recommendations for mitigation for the proposed dock float and access ramp (October 24, 2016). Conditions based on recommended measures in the report have been placed in draft DP for <i>Protection of Aquatic Area, Dock and Ramp Construction, and Protection of the Foreshore</i>.
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 **Sept 4, 2016****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	Kathleen	Middle Name	
Last Name	Reimer		
Designation	RPBio	Company:	Island Stream and Salmon Enhancement Society
Registration #		Email	salmonkathy@gmail.com
Address	P.O Box 289, Ganges		
City	Salt Spring Is;and	Postal/Zip	V8K 2V9
Prov/state	BC	Country	Canada
Phone #	250 537-9360		

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)	0.02	Riparian Length (m)	7.56
Lot Area (ha)	0.15	Nature of Development	Redevelopment
Proposed Start Date	September 2016	Proposed End Date	December 2016

V. Location of Proposed Development

Street Address (or nearest town)	4717 Buccaneers Road					
Local Government	Islands Trust			City	Pender Island	
Stream Name	Magic Lake					
Legal Description (PID)	003-907-023			Region	Vancouver Island	
Stream/River Type	Lake			DFO Area	South Coast Area	
Watershed Code	925-258000-88400					
Latitude	48°	47'	14" N	Longitude	123°	15' 27" 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

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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)

The purpose of this report is to provide a complete environmental inventory, impact assessment and strategies with other disciplines to guide the proposed development of a new single-family home partially within the designated riparian and aquatic ecosystem and the construction of a dock located on Pender Island at 4717 Buccaneers Road (Figure 1). Minimal tree removal is being planned by the owner to accommodate the construction location. 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 2016) is located on North Pender Island, British Columbia and receives an average annual precipitation of 850 mm (Weather Network 2016). 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 2016). Rainbow trout (*Oncorhynchus mykiss*) are present in Magic Lake and were last re-stocked in 2006 (Fishwizard 2016). 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 the eastern property boundary near Buccaneers Road, and then transitioning to gentle downward slope towards Magic Lake on the western side of the property. The proposed area is currently zoned RR2 (Rural Residential) and is surrounded by RR2 zones to the north, south, east, and Magic (Pender) Lake to the west. The subject property is accessed on Buccaneers Road in the Magic Lake area (Figure 2). The property begins at the east corner, and transitions to a gentle downward slope that runs west toward Magic Lake. The proposed home site has been previously disturbed by historic land use and is composed of an open regenerating forest with two modified rock conglomerates present on the property. Minimal tree removal is being planned by the owner to accommodate the construction location.

Riparian vegetation around Magic Lake is very limited due to anthropomorphic

influences; as it is surrounded by residential developments with houses and landscaping present up to the water's edge. 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.

Flora

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

- 3279: 100% Douglas-Fir-Salal, Rural Residential
- 3479: 100% Douglas-Fir-Salal, Structural Stage:5
- 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 (*Pseudotsuga menziesii*) with association with grand fir (*Abies grandis*) and western redcedar (*Thuja plicata*). 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 (*Symphoricarpos albus*), pinegrass (*Calamagrostis rubescens*) and birch-leaved spirea (*Spiraea betulifolia*), salal (*Gaultheria shallon*), dull Oregon-grape (*Mahonia nervosa*), ocean-spray (*Holodiscus discolor*), sword fern (*Polystichum munitum*), and Oregon beaked moss (*Eurhynchium oregonum*).

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 Douglas-fir – Salal classification has a cooler aspect than is typical. In the riparian, the dominant vegetation consists of young to mature Douglas-fir, western red cedar, alder (*Alnus sp.*) and salal along the shore. Plant species present include two invasive species: scotch broom (*Cytisus scoparius*) and

spurge-laurel (*Daphne laureola*), as well as native species including dull Oregon-grape, salal, hairy honeysuckle (*Lonicera hispidula*), ocean-spray, Oregon beaked moss, rattlesnake plantain (*Goodyera pubescens*), trailing blackberry (*Rubus ursinus*), large-leaved avens (*Geum macrophyllum*), woodland strawberry (*Fragaria vesca*), pathfinder (*Adenocaulon bicolor*), slender hawkweed (*Hieracium gracile*), deer fern (*Blechnum spicant*) and sword fern. To enable construction of the dwelling, five trees with diameter at breast height (DBH) ranging from 27.9 – 59.6 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 thirteen bird species were observed during the site visit. Eight were observed on the subject property, while the remaining five were detected on Magic Lake. The birds detected on site are typical for the area in late winter. 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 4717 Buccaneers Road (Pender Island, BC).

Common Name	Genus Species
Terrestrial	
Northern Flicker	<i>Colaptes auratus</i>
Red-naped Sapsucker	<i>Sphyrapicus nuchalis</i>
Anna's Hummingbird	<i>Calypte anna</i>
Red-breasted Nuthatch	<i>Sitta Canadensis</i>
Chestnut-backed Chickadee	<i>Poecile rufescens</i>
American Robin	<i>Turdus migratorius</i>
Dark-eyed Junco	<i>Junco hyemalis</i>
Bald Eagle	<i>Haliaeetus leucocephalus</i>
Aquatic	
Red-winged Blackbird	<i>Agelaius phoeniceus</i>
Canada Goose	<i>Branta Canadensis</i>

Belted Kingfisher	<i>Megaceryle alcyon</i>
American Widgeon	<i>Anas Americana</i>
Lesser Scaup	<i>Aythya affinis</i>

Mammals

Only 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

One Pacific tree frog (*Pseudacris regilla*) was detected calling on site. No hibernacula were found on the property.

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

Description of Water bodies involved (number, type)

Date: March 7, 2016

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)	
starting point	
upstream	

Gradient (%)

	I, Daniel Baxter (name of qualified environmental professional), hereby certify that:
	a) I am a qualified environmental professional, as defined in the

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

downstream			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>Everest Lapp</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.
Total: minus high /low mean			
	R/P	C/P	S/P
Channel Type			

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, <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>Everest Lapp</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.
Polygon No:			Method employed if other than TR
	LC	SH	TR
SPVT Type			X
Polygon No:			Method employed if other than TR
	LC	SH	TR
SPVT Type			
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)					

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 Everest Lapp (*name of developer*);

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

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

Comments

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

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.

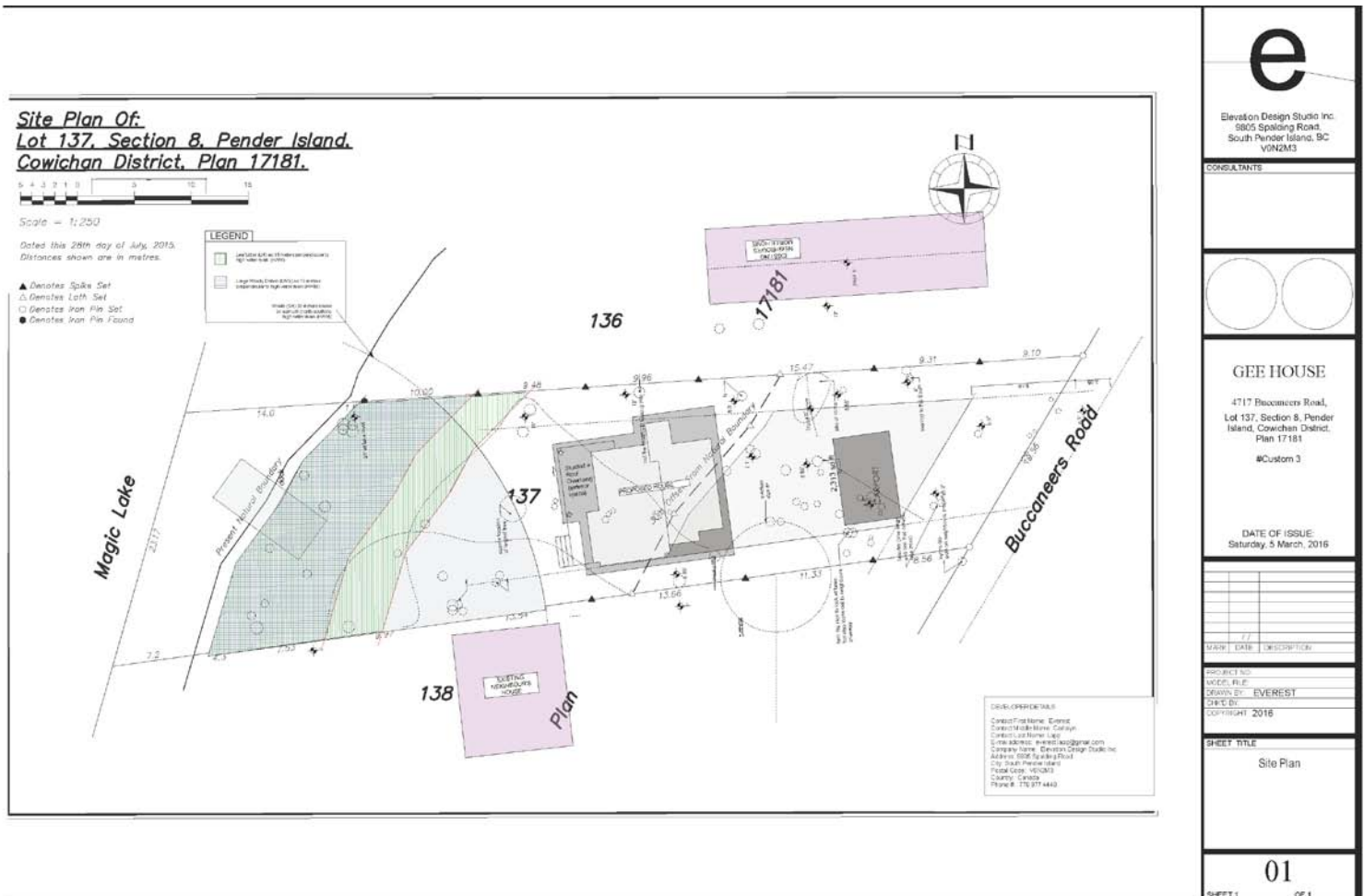
The High Water mark (HWM) for Magic Lake was determined to be the annual average winter water levels.

The final calculations for the subject property included 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 meters perpendicular to HWM
- Large Woody Debris (LWD) as 10 meters perpendicular to HWM
- Shade (SH) 30 meters based on azimuth (north-south) to HWM

The SPEA width for the subject property is therefore determined by the larger ZOS and would be set at 15 meters under the RAR as the minimum allowable with the Leaf Litter and Large Woody Debris as the largest of the three ZOS. Although Shade is 30 m when due south of the high water mark, it is perpendicular to the HWM and the area will not be

Insert jpg file below



Section 4. Measures to Protect and Maintain the SPEA

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

1. Danger Trees	No obvious danger trees noted
I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <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>Everest Lapp</u> (name of developer) ; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	No windthrow trees noted
I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <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>Everest Lapp</u> (name of developer) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
3. Slope Stability	The site has low slope with no signs of instability or risk.
I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <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>Everest Lapp</u> (name of developer) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
4. Protection of Trees	All trees within the 15 m SPEA will be retained, as the home owners have committed to preserving the character of the property
I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <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>Everest Lapp</u> (name of developer) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
5. Encroachment	A Water Sustainability Act application will be submitted as it relates to the construction of a dock – See Attached (RAR_4717 Buccaneers_dock.pdf) for details of environmental measures for: a. Measures to protect the foreshore SPEA during dock placement b. Measures to prevent negative impacts and to reduce disturbance below the High water Mark (HWM). c. Measures to prevent equipment from disturbing the foreshore lake
I, <u>Daniel Baxter</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish</i>	

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<i>Protection Act;</i> b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Everest Lapp</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>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Everest Lapp</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	
7. Stormwater Management	Stormwater will be returned to ground. During and upon completion of dwelling construction, all runoff from eavestroughs should be diverted away from the Riparian area.
I, <u>Daniel Baxter</u> <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>Everest Lapp</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	
8. Floodplain Concerns (highly mobile channel)	No Concerns
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>Everest Lapp</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	

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 as much as possible of the natural features and character of the property. 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 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. Landscaping and restoration of natural areas should be conducted using only native plant species.
6. Minimize disturbance and maintain undeveloped habitat in as natural a state as possible.
7. 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.
8. A spill kit will be present on all equipment.
9. 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.
10. All work should be completed during dry weather. Construction, landscaping and regarding works will not occur during rain deposition events.
11. Avoid tree removal during peak breeding bird timing window (April 1st to

July 31st).

12. 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 construction 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 are no structures present on the property at 4717 Buccaneers Road. The majority of the site is a treed open area covered in grassy thin soil and moss covered rock (Plate 1). The proposed site of the house is an open area with modified rock conglomerates (Plate 2) and remains open until reaching the water's edge (Plate 3). The riparian area consists of an open treed area, with salal, sword fern and moss-covered rocks and small boulders (Plate 4,5,6).



Plate 1. View of property from Buccaneers Road, looking west.



Plate 2. View of proposed building site, looking west.



Plate 3. View of riparian area at 30 m survey marking; looking west.



Plate 4. Near shore riparian section looking North from south corner

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Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Plate 6. Large Douglas fir in Riparian



Plate 6. Near shore riparian section with sword ferns

Section 7. Professional Opinion

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

Date March 7, 2016

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 Everest Lapp, 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

4717 Buccaneers
Magic Lake Dock Construction

K. Reimer RPBiologist salmonkathy@gmail.com
Island Stream and Salmon Enhancement



Kathleen

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

e-mail : salmonkathy@gmail.com

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

October 24, 2016

Dear Trust Planners

I have visited the site at 4717 Buccaneers Road where the owner is proposing to construct a recreational dock on the foreshore of Magic Lake (Map 1). Because Magic Lake, as well as being fish habitat, is also used as an alternate drinking water supply for the area, it is important to prevent all negative impacts of any in-stream or foreshore activities.

A. Description of proposed development

The owner has proposed to develop his lot and construct a residence (Map 2). There has been an Environmental Impact Assessment completed by Carinus Environmental 2016. This report thoroughly documents the environmentally sensitive areas and the flora and fauna found on the property and determines that the residence can be constructed with minimum impact to the natural environment. There has also been a Riparian Areas Assessment report completed for the development and it has been approved by the BC Government.

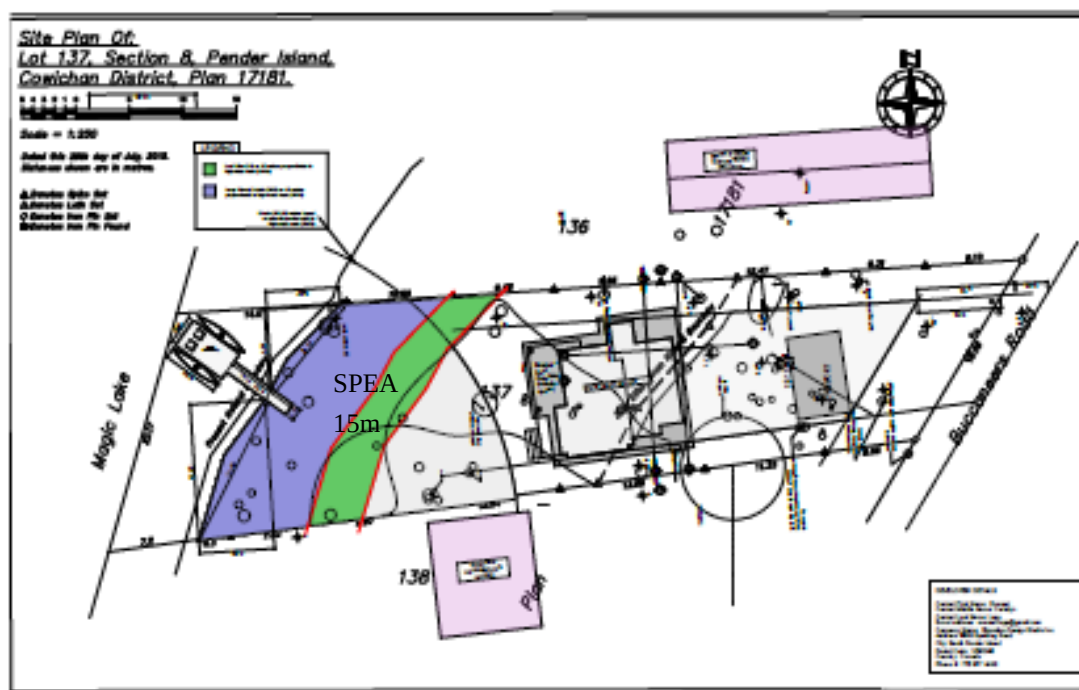
The dock will be located near the Northwest corner of the lot (Map 2). It will consist of a 1.18m x 8.8m ramp and a 2.85 x 5.32 m float in the lake. At the proposed dock site the riparian vegetation consists of a few large alder trees, a 30cm cedar tree, some second growth Douglas fir and an understory of salal (*Glautheris shallon*), sword fern (*Polystichum munitum*) and shrubs such as Ocean Spray (*Holodiscus discolor*) (Photos 1-3). There is a large patch of waterlilies (*Nuphar sp.*) growing along the foreshore near the North property line. These will not be disturbed or covered by the dock.

Since the property owner will require access to the lake, there will be a natural pathway clearly defined for access through the SPEA to the dock site. It is important that one path only be used to provide access to the water in order to protect other areas of the SPEA from disturbance. The Riparian Areas Regulation Implementation Guidebook states that recreational access to the water is permitted inside a SPEA but a formal trail network is not. To prevent excessive clearing within the SPEA the trail should not exceed 0.8m in width.

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

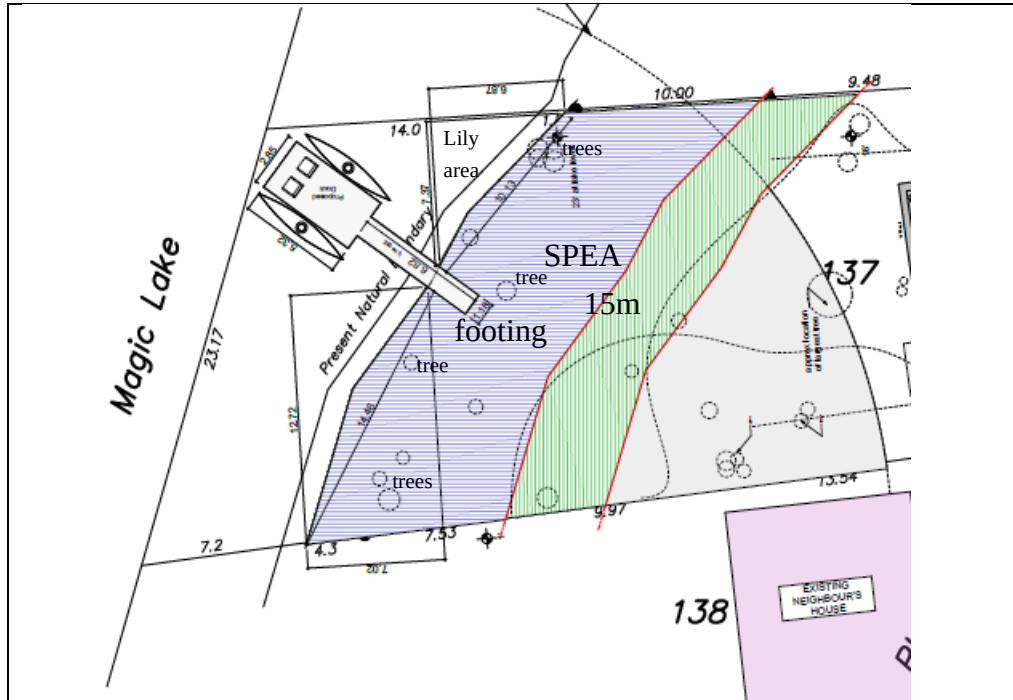


Map 2. Plan of subject property showing dock proposed residence and 15m SPEA



site,

Map 3. Close-up of foreshore, showing SPEA, dock details, tree locations



B. Recommendations

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

1. Measures to protect the foreshore SPEA during dock placement

Minimize disturbance to existing riparian vegetation

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

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

- 2a. Avoid disturbance below the high water mark such as dredging or placement of fill. Ensure that there is 1.5 meters of water beneath the float so it does not sit on or disturb the bottom sediments at low lake levels
- 2b. Place the float in an area where there is no impact on the waterlilies, which provide fish habitat
- 2c. Prevent removal of stones or woody debris such as logs or stumps from the bottom of

the lake as these provide habitat for aquatic organisms

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

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

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

3. Measures to prevent equipment from disturbing the foreshore lake

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

I have included check lists for the Sensitive Ecosystem and Riparian and Aquatic DPAs

Please let me know if you need more information.

Kathleen Reimer MSc.,
Registered Professional Biologist

List of References

Baxter D., and O'Brien E. 2016. Environmental Assessment of 4717 Buccaneers Road, Pender island B.C. Carinus Environmental.

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

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

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

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



Photograph 2. Proposed Dock site (Foreground) shows existing riparian vegetation (Red Alder, Cedar) and woody debris in the water that provides fish habitat



Photograph 3. Backshore near proposed dock site, Douglas fir, Salal, Ocean Spray



Riparian and Aquatic DPA Checklist: 4717 Buccaneers Rd.

Magic Lake Dock Construction

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.	
2. The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP, and the owner should be required to implement a plan for protecting the SPEA over the long term through measures that may be implemented as conditions of the development permit.	The Riparian Areas Regulation implementation guidebook states that access to the water is permitted through the SPEA It would be preferable to have a single natural (unpaved) footpath to provide access rather multiple trails being developed over time in the SPEA areas
3. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.	The QEP who provided the RAR report could monitor the construction of both the residence and the recreational dock.
4. The following guidelines are applicable to floats and associated structures within the development permit area:	All of these recommendations are mentioned in the attached QEP letter as well as some applicable measures for dock construction that are required by the province

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



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

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

Instructions

Landowners/applicants should ensure that:

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

Consulting Professionals:

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

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

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

OFFICE USE ONLY
File No: _____

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)		Office Use only
	Information and Documentation Required	✓
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following: - The proposed development and associated features - The development permit area boundary - Existing buildings and structures - Roads and driveways - Topographic features - Significant features identified in the site inventory <i>Where development would occur on slopes exceeding 20% grade:</i> site profiles and cross sections demonstrating terrain conditions prior to disturbance	See RAR report and Map 2 of QEP letter (attached)
Site Inventory	A site inventory providing information on the ecosystem classification, based on current best practices, providing information on: - existing plant communities - marine, aquatic and terrestrial habitats - sensitive ecosystems - nesting trees - the presence of rare species and rare plant communities - current on-site and adjacent land uses - slope stability - erosional processes - hydrology and flood potential - topography Site background analysis that includes the following known information: - A check for observed species and ecosystems at risk - A description of the context of the site including the use of adjacent lands and proximity to protected areas - A check for the presence of raptor and heron nests - A check for the presence of fish-bearing water courses A conservation evaluation that identifies environmentally valuable features on or near the proposed development. The evaluation should be based on current best practices, such as the RISC standard	The site inventory has been completed by Carinus Environmental; Baxter and O'Brien 2016. Environmental Assessment of 4717 Buccaneers Road, Pender Island B.C. Carinus Environmental. See above There are Rainbow trout in the lake See Environmental Impact study
Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.	There should be no further disturbance to the foreshore vegetation
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development, consisting of anticipated impacts on the following: Sensitive ecosystems	There must be no disturbance to the waterlilies that are growing along the foreshore

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
	▪ Rare plant communities		
	▪ Rare species habitat		
	▪ Site hydrology		
	The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area		A single footpath for the property owner's beach access has been recommended instead of the long term development of multiple trails
Measures	A description of all recommended measures to limit, mitigate and manage the impacts of the development on environmentally valuable features		All of the provincial measures are summarized in the attached QEP letter
	A description of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.		
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, a monitoring schedule and process for resolving any non-compliance		RAR QEP will monitor the lot development
Restoration	Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development		Some shrubs near the dock site may be disturbed and will be replaced

OFFICE USE ONLY
File No: _____

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



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2016.8

To: Jose Manjarrez & Jennifer Gee
c/o Elevation Design Studio

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

Lot 137, Section 8, Pender Island, Cowichan District, Plan 17181
PID: 003-905-047

2. This Development Permit NP-DP-2016.8 authorizes the construction of a dwelling and a dock and ramp within Development Permit Area ("DPA") 10 – Riparian and Aquatic Development Permit Area, subject to the following requirements and conditions:

Riparian Area Regulation (Upland) Portion

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. Required tree removal for the construction of the dwelling shall not be undertaken during the annual peak bird breeding season between April 1st and July 31st.
- d. The removal of invasive plant species (i.e. Scotch broom and spurge-laurel) on the subject property is encouraged.
- e. Any native shrubs in the SPEA damaged during the placement of the ramp for the dock shall be replaced.
- f. During construction of the dock ramp and placement of the floating portion, nearby trees and their root systems are to be protected by wrapping in landscape cloth and highly visible flagging and/or snow fencing.
- g. An unpaved footpath for access across the SPEA to the dock structure and foreshore is to be developed to a maximum width of 0.8 m under the supervision of the monitoring Qualified Environmental Professional (QEP).

Construction Management

- h. All contractors and construction personnel are to be notified of the SPEA location and the conditions of this Development Permit.
- i. There must be no encroachment into the SPEA by heavy equipment or machinery.
- j. 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.
- k. Prior to leaving, hired contractors should inspect all vehicles and equipment to ensure invasive plant seeds are not transported off of the subject property.
- l. There must be no deposition into the SPEA of any materials from the construction process such as rock, soil or vegetation.

- m. A spill control kit shall remain on site for the entire construction period.

Sediment and Erosion Control

- n. 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, the area outside of the building footprint, to the south and for the width of the property, shall be delineated with temporary fencing and 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

- o. 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 the Buccaneers Road (the "road").

Delineation of SPEA

- p. A permanent barrier or vegetated hedge using native plant species is to be erected along the SPEA boundary in the location shown on Schedule 'A', attached to and forming part of this permit.

Water (Dock) Portion

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

- q. There is to be no dredging or placement of fill below the HWM.
- r. With the exception of footings for the ramp, neither the float and nor ramp structure shall rest on the lakebed or foreshore (SPEA).
- s. The float portion is to be placed with a minimum clearance of 1.5 metres between the underside of the dock and the lakebed.
- t. The dock structure shall be located in accordance with Schedule 'B' and in an area where it does not impact fish habitat (waterlilies).
- u. There shall be no removal of stones or woody debris such as stumps, logs and snags from the lakebed.

Dock and Ramp Construction

- v. The ramp footings should be constructed using only untreated wood or precast concrete.
- w. The ramp and dock float should be constructed using only untreated wood and encapsulated envirofloats or similar non-toxic and non-disintegrating material.

Protection of the Foreshore

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

Monitoring

- y. 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. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, THIS rd DAY OF , 2016.

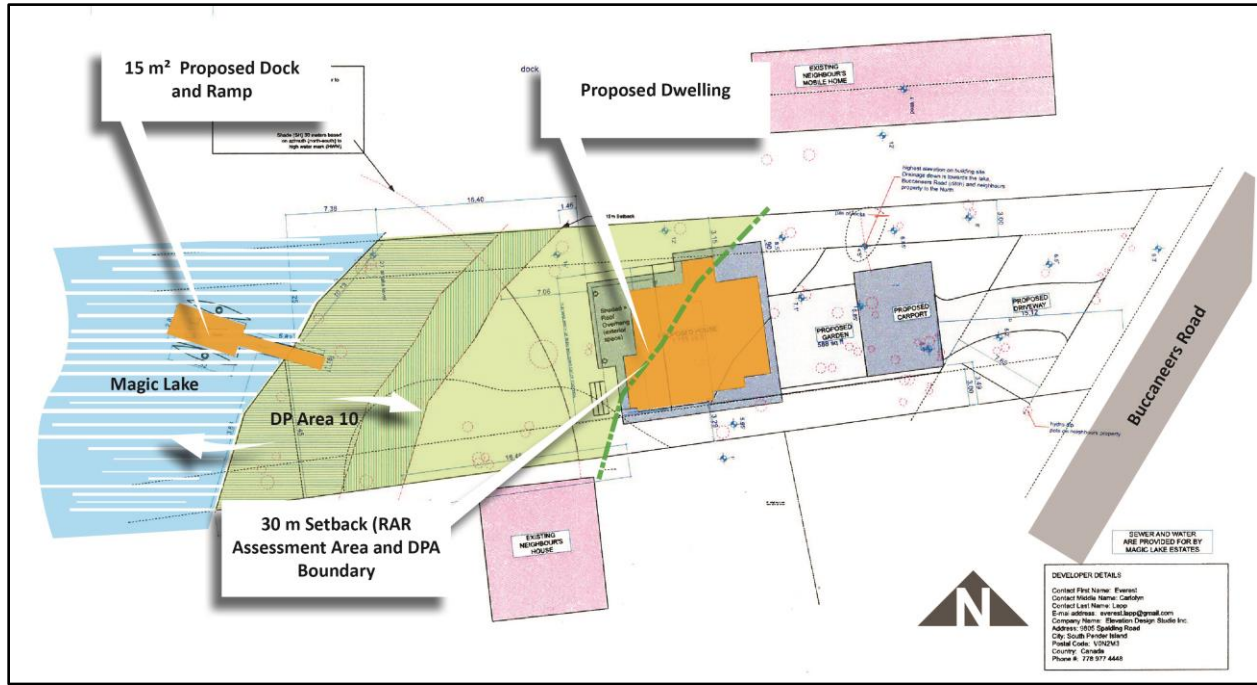
_____, 2016
Deputy Secretary, Islands Trust Date Issued

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

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2016.8 Schedule "A"

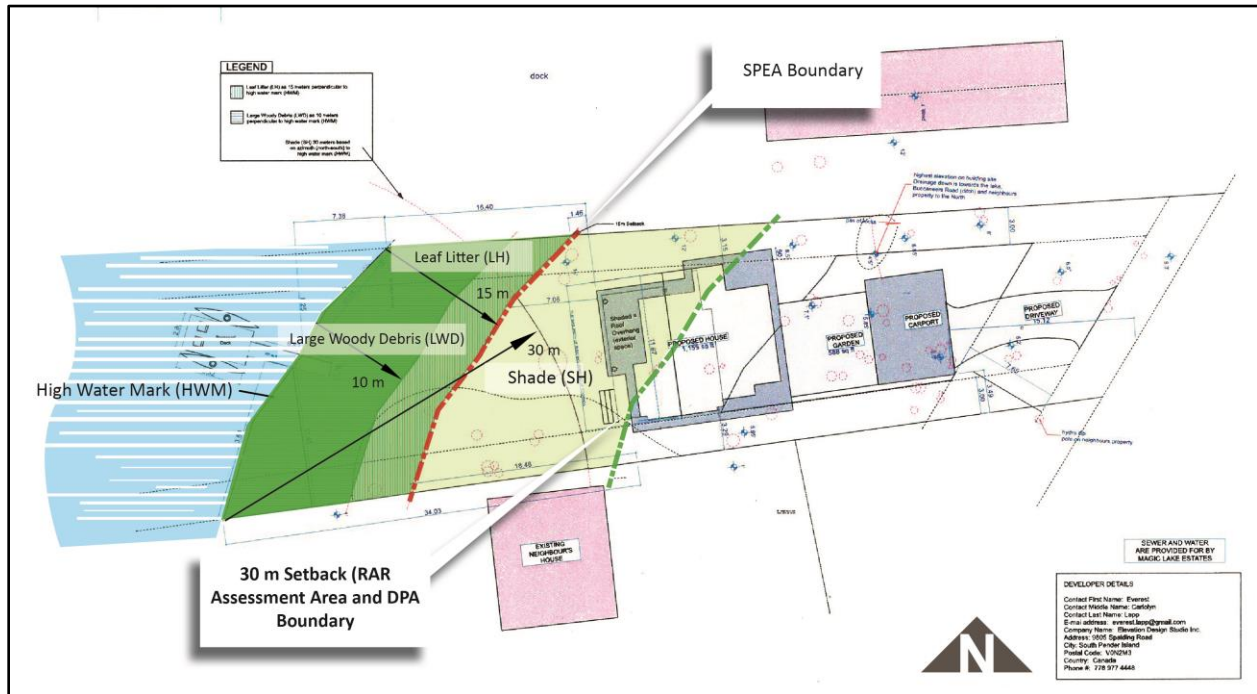
Site Plan



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2016.8 Schedule "B"

Biologist's RAR Map (Enhanced)



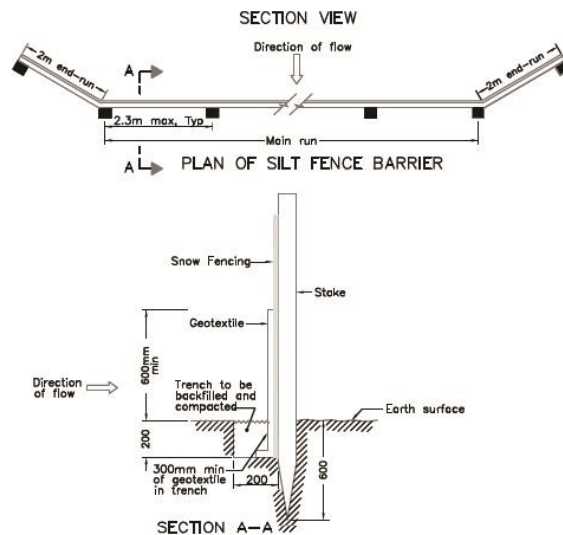
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2016.8 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



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 497 Date: November 15, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response by December 31, 2016. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Mr. Leonard Brown, Wisteria Guest House Ltd.

PURPOSE OF BYLAW:

To rezone the subject property from Commercial Accommodation 4 (CA4) to Residential 6 (R6).

GENERAL LOCATION:

Lot 15 Park Drive, Salt Spring Island, BC, V8K 2S1

LEGAL DESCRIPTION:

PID 003-766-390, LOT 15, SECTIONS 2 AND 3, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 18728

SIZE OF PROPERTY AFFECTED:

0.19ha (0.46 acre)

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Ganges Village Upper (GVU)

OTHER INFORMATION:

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

Shelley Miller
(Signature)

Name:

Shelley Miller

Title:

Planner 1

This referral has been sent to the following agencies:

Regional Agencies CRD – All Referrals & K. Campbell CRD – SSI Economic Development Commission CRD – SSI Senior Manager CRD – SSI Building Inspection CRD – SSI Director CRD – SSI Transportation Commission CRD – Environmental Eng. Division CRD – Ganges Water & Sewer Commission CRD – SSI Liquid Waste Disposal Local Service Commission	Adjacent Local Trust Committees and Municipalities Galiano Island Local Trust Committee Mayne Island Local Trust Committee North Pender Island Local Trust Committee Thetis Island Local Trust Committee Cowichan Valley Regional District
Provincial Agencies Ministry of Transportation & Infrastructure Ministry of Natural Resource Operations – Archaeology Branch Ministry of Forest Lands & Natural Resource Operations – Environment Ministry of Forest Lands & Natural Resource Operations – Front Counter BC	First Nations Cowichan Tribes Halalt First Nation Lake Cowichan First Nation Lyackson First Nation Penelakut Tribe Stz'uminus First Nation
Non-Agency Referrals North Salt Spring Waterworks District SSI Fire-Rescue SSI Salmon Enhancement Society	Malahat First Nation Pauquachin First Nation Tsartlip First Nation Tsaywout First Nation Tseycum First Nation Semiahmoo First Nation Tsawwassen First Nation Hul'qumi'num Treaty Group (for information only) Te'Mexw Treaty Association (for information only)

PLEASE TURN OVER ➔

BYLAW REFERRAL FORM

RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area

(Island)

497

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)



DATE OF REPORT: November 16, 2016
TO: North Pender Island Local Trust Committee
FROM: Justine Starke, Island Planner
SUBJECT: Waste Management Site Suitability

RECOMMENDATION

1. That the North Pender Island Local Trust Committee direct staff to schedule site visits and meetings with operators and land owners, for one trustee and staff to attend.
2. That the North Pender Island Local Trust Committee direct staff to continue to refine the list of suitable sites for waste management, based on the results of site visits, and consultation with owners and stakeholders.
3. That the North Pender Island Local Trust Committee direct staff to draft regulations for the purpose of discussion, based on Option 1, as presented in the staff report dated November 7, 2016.

REPORT SUMMARY

The purpose of this report is to seek direction from the North Pender Island Local Trust Committee (LTC) on next steps for the top priority project: Land Use Planning for Waste & Resource Management.

BACKGROUND

The North Pender Island Local Trust Committee has been conducting a participatory community process to consider land use changes to accommodate waste management facilities. The objectives of the review are:

- *To consult North and South Pender islanders, waste management operators, and other stakeholders.*
- *To consider what level of waste transfer is needed on N. Pender.*
- *To inventory existing industrial zones and waste transfer sites and apply land use criteria for siting a range of waste transfer facilities.*
- *To make recommendations on potential locations and the range of appropriate land uses*
- *To consider amending the OCP with guiding policies and land designations for waste and resource management.*
- *To consider zoning and regulating land to accommodate the preferred level of waste and resource management.*
- *Collaboration with CRD to ensure a comprehensive understanding and integrated approach.*

The current report provides the results of the public “integrated decision making” process, held over two workshops on August 10, 2016 and October 6, 2016. The objective of the workshops was to use a participatory process to systematically consider the land use impacts and corresponding land use criteria for a waste and resource management facility.

ANALYSIS

Policy/Regulatory:

See previous reports, most notably the [staff report presented at the March 26, 2015](#) LTC meeting.

Consultation:

The integrated decision making sessions built on the previous community engagement:

- The Waste and Resource Management Commission (WRMC) - eight public meetings over six months (August 2015 – January 2016)
- May 30, 2016 information open house

Integrated Decision Making Process

- October 6, 2016
 - 26 members of the public in attendance
 - See the [final report](#).
 - [Click here for the minutes](#)
- August 10, 2016
 - 23 members of the public in attendance.
 - The consultant's report for Aug. 10 is found in the appendix of the Final Report (linked above).
 - [Click here for the minutes](#)

Results:

The integrated decision making session established the problem statement as follows: “What are the facility type(s) and site(s) that will best serve the needs of the Pender Islands community for waste resource management?” The attached report, *Pender Islands Waste Management Site Suitability Report*, (the final report) was submitted by the consultant. It describes the process in detail.

The main purpose of the August 10 work shop was to create the decision matrix in order to evaluate individual properties. The criteria was developed to be applied the different facility scenarios that could be provided by waste management operators (See figure 1). The intent was to develop criteria that could be applied to each property and considered for each facility scenario.

The October 6 workshop and resulting decision matrix only applied the criteria (values) to the Full “A” Facility Scenario, where it was clarified that recycling referred to commercial recycling and was not intended to host a recycling depot such as is already operated by Pender Island Recycling Society.

Figure 1:



The workshop presented the results of analysis and data gathering that staff and the consultant had prepared in the time between the two workshops. A number of visual aids were provided, including a layered map that could display the results of criteria analysis.

The objective was to evaluate each of the 15 properties according to the criteria, and eliminate properties based on the values agreed to at the previous workshop. See Table 1 for a list of properties with their corresponding site number. Map 1 shows the subject properties, which is included in the final report.

Map 1: SUBJECT PROPERTIES

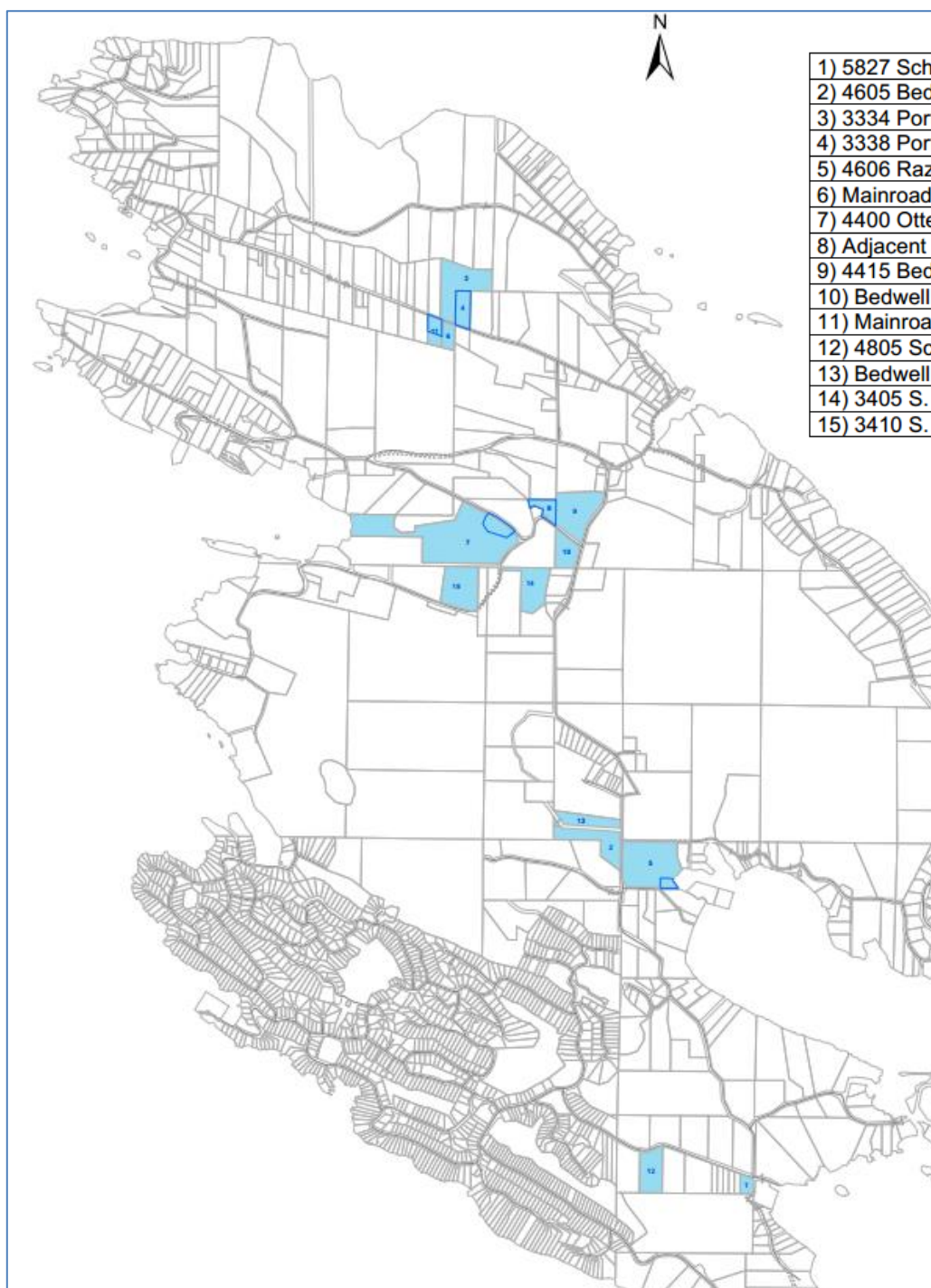


TABLE 1: SUBJECT PROPERTIES

1) 5827 Schooner Way
2) 4605 Bedwell Harbour Road (Driftwood Ctr)
3) 3334 Port Washington Rd
4) 3338 Port Washington Rd
5) 4606 Razor Pt. Rd. Browning Harbour
6) Mainroad Yard (on Port Washington Rd.)
7) 4400 Otter Bay Rd.
8) Adjacent to 4400 Otter Bay Rd. Recycling Depot
9) 4415 Bedwell Harbour Rd.
10) Bedwell Harbour Rd. - Across from Fir Hill Farm
11) Mainroad Yard (on Port Washington Rd.)
12) 4805 Schooner Way
13) Bedwell Harbour Rd. – Adjacent to airstrip
14) 3405 S. Otter Bay Rd.
15) 3410 S. Otter Bay Rd.

Table 2 is a copy of the assessment matrix that can be used to evaluate each of the properties according to the criteria.

TABLE 2: ASSESSMENT MATRIX

Facility "A"	site #	Space for Expansion - 50m buffer	Space for Expansion - 38m buffer	Space for Expansion - 30m setback	Sensitive ecosystem	Groundwater vulnerability	Surface waterbody	Archeo-logical site	Agri- cultural potential	Sufficient Flat Area
		✖-insufficient	✖-insufficient	✖-insufficient	✖-feature present	✖-vulnerable	✖-feature present	✖-feature present	✖-ag capability present	✖-not flat
Unit of measure ->										
5827 Schooner Way	1	✖	✖	✖	✓	✖	✓	✓	✓	✖
4605 Bedwell Hbr Rd Driftwood Centre	2	✖	✖	✓	✖	✖	✖	✓	✓	✓
3334 Port Washington Rd	3	✓	✓	✓	✖	✓	✓	✓	✓	✖
3338 Port Washington Rd	4	✖	✖	✖	✓	✖	✓	✓	✓	✖
4606 Razor Pt. Rd (Browning)	5	✓	✓	✓	✓	✖	✓	✓	✖	✓
Mainroad Yard	6	✖	✖	✖	✖	✖	✓	✓	✓	maybe*
4400 Otter Bay Rd	7	✓	✓	✓	✖	✖	✖	✓	✖	✓
Adj Recycling -4400 Otter Bay	8	✖	✖	✖	✓	✖	✓	✓	✓	✖
4415 Bedwell Harbour	9	✓	✓	✓	✓	✖	✓	✖	✓	✓
Across Fir Hill Farm, Bedwell Hbr	10	✖	✓	✓	✖	✖	✖	✓	✓	maybe*
Mainroad Yard	11	✖	✖	✖	✖	✖	✓	✓	✓	✖
4805 Schooner Way	12	✓	✓	✓	✓	✖	✓	✓	✓	maybe*
Bedwell Hbr Rd Adj to Airstrip	13	✖	✖	✖	✖	✖	✓	✓	✓	✖
3405 South Otter Bay	14	✓	✓	✓	✓	✖	✓	✓	✓	✓
3410 South Otter Bay	15	✓	✓	✓	✓	✓	✓	✓	✓	✓

During the course of the workshop it became clear people were concerned that there was not enough information to accurately apply some of the criteria, and that doing so anyway would result in ineffective recommendations. Specifically, the concern was that the criteria were designed to apply to the entire area of each of the properties, rather than the ideal locations within each property. Criteria such as: space for operations, agricultural capability, sensitive ecosystems, surface water, groundwater vulnerability, and topography need to be assessed by specifically evaluating the portion of the property that is actually feasible for waste management. This kind of a detailed survey of the properties was beyond the scope of the review process.

The workshop agenda for the afternoon of October 6 was therefore amended, and instead of assessing the properties according to the criteria, people were asked to choose their top three criteria, and the criteria were ranked according to level of relative importance. This exercise found that the people in the room ranked the following as the five most important criteria to use for evaluation: sufficient space for operations, presence of sensitive ecosystems, adjacency to industrial zones, groundwater vulnerability, and remoteness from dense neighbourhoods. See Table 3.

TABLE 3: PRIORITIZED CRITERIA

	Criterion (re-ordered according to priority)	Number of participants who selected this as one of their top 3 priorities
1.	Sufficient space (by recalculated minimum area required for parking, waste operations for Facility 'A', buffers, setbacks and expansion capability)	22
2.	Sensitive ecosystems	12
3.	Adjacent to industrial zones	12
4.	Groundwater vulnerability	11
5.	Remote from dense neighbourhoods (less than 50 properties within 1 km under 5 acres)	10
6.	Topography	3
7.	Agricultural capability	3
8.	Archeological feature	1
9.	Presence of fresh water bodies	0
10.	Distance to common use areas (Magic Lake Estates, Driftwood Ctr., or Recycling Ctr.)	0
11.	[Serviced by a] dedicated road	0

Based on the results of the prioritized criteria, the final report does provide an evaluation of the properties in order to narrow down the number of properties being considered for a full service waste transfer station:

Step 1:

- Sites 1 and 12 were eliminated because they are not adjacent industrial zones, which ranked high among the participants as an important criterion.

Step 2:

- After step 1, the criterion for “remote from dense neighbourhood” (number five in Table 2 above), was compared across remaining sites. The number of properties under 5 acres, within a 1km radius of each site was measured in the data matrix.
- Sites eliminated by this step were: 2,3,4,5,6 and 13 (for more information, see the Final Report, Table 9 and Results, Table 10).
- The report points out that defining remote as “sites surrounded by 50 properties or less under 5 acres,” is an arbitrary cut-off, and that if a different threshold were selected, the results would differ.

Step 3:

- After step 2, the criterion for “groundwater vulnerability” and presence of “sensitive ecosystems” was considered (see table below, found as Table 11 in the final report) on the remaining sites (7,8,9,10,11,14 and 15).
- Note that if the whole of each site was evaluated for the presence of these features, even though as mentioned above, only a portion may be viable for waste transfer. As such, the report does not

recommend eliminating sites based on these criteria without mapping and ground-truthing the exact location of these features.

		Sensitive ecosystem	Groundwater vulnerability
7	4400 Otter Bay Rd	No mapped sensitive area	vulnerable
	Adj Recycling -4400		
8	Otter Bay	No mapped sensitive area	vulnerable
9	4415 Bedwell Harbour	No mapped sensitive area	vulnerable
	Across Fir Hill Farm,		
10	Bedwell Hbr	Sensitive ecosystem	vulnerable
11	Mainroad Yard	Sensitive ecosystem	vulnerable
14	3405 South Otter Bay	No mapped sensitive area	vulnerable
15	3410 South Otter Bay	No mapped sensitive area	not vulnerable

The report suggests that on the basis of assessment measures for the two highest priority criteria (“adjacent existing industrial zoning” and “remote from dense neighbourhoods”), there would be seven suitable sites:

1. Site 7: 4400 Otter Bay Rd.
2. Site 8: Adjacent Recycling - 4400 Otter Bay Rd.
3. Site 9: 4415 Bedwell Harbour (Old MacDonald Farm)
4. Site 10: Across Fir Hill Farm, Bedwell Harbour Rd.
5. Site 11: Mainroad Yard on Port Washington Rd.
6. Site 14: 3405 South Otter Bay Rd.
7. Site 15: 3410 South Otter Bay Rd.

These could undergo further data collection to determine:

- a) site-specific calculations about sufficient space, including buffers and setbacks;
- b) topography;
- c) mapping of ecosystem features as related to potential facility area within property boundaries (including groundwater and surface water features, soil and climatic capability for agriculture, archeological feature).

The consultant recommends the following next steps to assess the remaining sites in order to confirm and to ground-truth criteria for sufficient space, topography, sensitive ecosystem and water features, as well as archeological and agricultural values:

1. *Review calculations of minimum Facility ‘A’ space for operations and parking, and the estimates for expansion area required at a waste transfer Facility ‘A’. (See “Calculations and Assumptions” section in this report.)*
2. *Conduct site visits for further assessment and refinement, as follows:*
 - a. *If resources allow, visit all fifteen potential sites.*
 - b. *If resources do not allow, the consultant recommends that sites 7,8*,9*,10,11,14 and 15 should all be visited for further assessment. (See Discussion or Executive Summary for site selection rationale.)*

**Site 8 is likely not large enough for the minimal space criterion, including buffers, but the possibility for Site 9 and 8 to be considered as a single site combining the*

existing Recycling Centre and the proposed Facility 'A' Waste Transfer should be explored.

Suggested Site Visit Parameters:

- *Measure and demarcate on a map the exact situation of minimal space for operations, parking and expansion (Criteria 7 and 9) (after Step 1 is completed).*
 - *Measure and demarcate minimal buffers and setbacks (see Criteria 7 and 9), taking into account natural existing buffer zones, and possibly using road area as part of a setback or buffer from neighbouring properties, where feasible.*
 - *Assess topography (criterion 15).*
 - *Visit and ground-truth the mapped criteria in the assessment (in relation to the exact facility space measures):*
 - *sensitive ecosystem features,*
 - *surface and groundwater ratings,*
 - *archeological, agriculturally- capable areas)*
 - *The potential for a proposed facility type 'A' to impact these features, as affected by topography, and micro-climate, needs to be assessed. Methods for assessment should be transparent, well-referenced and documented at each stage.*
 - *Visit each property with the property owner, and avoid political bias or other participants in site visits to keep them factual.*
3. *Consult with local waste management service providers to assist with refined site suitability assessments, after step 2 has been completed.*
4. *Option to refine Criterion 6. Work with volunteers to conduct pedestrian traffic counts during peak periods (of day, week and high occupancy periods over annual cycle) on roads near the most suitable sites remaining after step 3.*

Issues and Opportunities:

The consultant's final report suggests that on the basis of assessment measures for the two highest priority criteria ("adjacent existing industrial zoning" and "remote from dense neighbourhoods"), there would be seven suitable sites:

1. Site 7: 4400 Otter Bay Rd.
2. Site 8: Adjacent Recycling - 4400 Otter Bay Rd.
3. Site 9: 4415 Bedwell Harbour (Old MacDonald Farm)
4. Site 10: Across Fir Hill Farm, Bedwell Harbour Rd.
5. Site 11: Mainroad Yard on Port Washington Rd.
6. Site 14: 3405 South Otter Bay Rd.
7. Site 15: 3410 South Otter Bay Rd.

The integrated decision making workshop #2 did not have time to review more than the full service station scenario ("A"). Although the majority of participants in workshop #1 preferred zoning that would permit the full range of uses, the workshop did test each criteria against the different facility scenarios.

The Final Report recommends that site surveys be conducted in order to map certain criteria within each property:

- Usable flat area (topography)
- Agricultural capability
- Vicinity to a sensitive ecosystem
 - North Pender Island has mapped its sensitive ecosystems and all (with the exception of mature forest) are protected under Development Permit Areas.
- Vicinity to an archaeological site
- Vicinity to a fresh water body
- Groundwater vulnerability

The NPI LTC does not have the capacity to do such a detailed environmental assessment type review of specific areas of individual properties. It is the type of review that should be conducted by the proponents as part of a development approval.

Additionally, there has been more concern voiced over the data, specifically in the interpretation of the soil capability mapping. The consultant responded to these concerns with an [erratum](#), and by amending the final report. However, there continues to be concern over the reliability of the interpretation of the soil mapping, especially as it appears to be different from the classification rating assigned to site 5 by the Agricultural Land Commission. An overarching staff concern is the age of the capability mapping (1978) and the scale of the mapping. Current, site specific agricultural capability is best assessed in detail by an agrologist with a background in soil science. As above, this could be funded by proponents as part of an application for development approval.

A combination of site visits and consultation with operators would be helpful in evaluating criteria such as “usable flat area” and enough “space for operations,” “parking,” and “expansion.” The recommended 1.25 acre of space (including parking and driveway access, but excluding landscape buffers and setbacks) was determined based on research in US and Canadian waste management reference manuals and through discussions with experts in the field throughout BC; however, this could be further reviewed for practicality through discussions with operators. With this information, the LTC could consider moving this project forward according to the following options:

Option 1:

1. Pending site visits and consultation with owners and operators, refine further the list of seven suitable properties to host a full service waste transfer station.
2. Direct staff to draft land use bylaw amendments and OCP amendments if required, that would pre-zone the eligible properties to enable a full service facility (Scenario A) combined with a new Waste Transfer Station Development Permit Area (DPA).
3. Direct staff to re-evaluate all 15 properties for their ability to host service scenario D (no public access, storage and sorting only) and Scenario E (public drop off only, no long term storage or sorting). This evaluation would be conducted by staff, and informed by the results of Workshop 1.
4. Direct staff to draft land use bylaw amendments and OCP amendments if required, that would pre-zone the new list of suitable properties to enable facility scenarios D and E, combined with a new Waste Transfer Station Development Permit Area (DPA).

5. Direct staff to draft an OCP amendment which would create a new Development Permit Area for protection of the environment, form and character of industrial use, and/or protection from hazardous conditions. The guidelines of the DPA could address the environmental, aesthetic, and/or hazardous concerns related to the use. Under the Development Approval Information Bylaw, the LTC could require detailed information such as:
 - a. Surveys that include natural features such as water bodies or sensitive ecosystems
 - b. Site and Building plans, demonstrating room for operations, parking, drainage considerations (no effluent released into environment).
 - c. agricultural capacity of the site
 - d. Archaeological reports
 - e. Confirmation from professionals that the proposal will not have negative impact on the environment, including groundwater, surface water, and agricultural soils, etc.
6. Direct staff to consider what amendments to the [Development Approval Information Bylaw](#) would be required to empower the LTC to request the range of information required to assess the impacts of a waste transfer station on the environment.

Option 2:

1. Do not consider changing regulations to pre-zone properties for waste management, but rather direct staff to propose Official Community Plan amendments that are specific to waste transfer and would enable rezoning applications and new conditions to guide Temporary Use Permit applications.

Option 3:

1. Redefine or develop new criteria and re-evaluate all 15 properties.
2. Consider pre-zoning a new list of eligible properties for waste transfer, in combination with a new Development Permit Area.

Rationale for Recommendation:

The current Local Trust Committee has been working on this subject since the beginning of 2015, and even before that in application driven processes. An essential problem underlying the process continues to be the tension resulting from the rezoning applications currently on hold. The discussion is still unduly influenced by consideration of implications for those specific sites.

Nevertheless, the community driven, participatory processes that have been undertaken have informed the LTC of the most pressing issues and concerns the community has relative to the social and environmental impacts of waste transfer. The LTC has enough information to move on and consider regulatory approaches. The recommendation is that the regulatory approach takes into account the need for additional, site level information.

The seven properties that have been selected as eligible for further consideration for a full service facility were chosen based on 1) adjacency to other industrial zones and 2) remoteness, as a measure of the relative density of the immediate surrounding neighbourhood. Further elimination of sites was not conducted based on the course nature of the data being used. The level of site specific information that is required to address many of the environmental concerns is beyond the scope and resources of this planning process. Confirmation of a site's

ability to host a waste transfer site without negatively impacting the environment can be established through development approval information required by a development permit, rezoning, or temporary use process.

NEXT STEPS

If the LTC proceeds with Option 1, next steps could include:

1. Consultation with waste disposal operators - focus on use and land needs.
2. Site visits and consultation with property owners.
3. Refine list of eligible sites and propose draft regulations for consideration.
4. Consultation: Community survey/ General community meeting to discuss draft regulations.
5. Formal bylaw amendment process (to be decided).

Submitted By:	Justine Starke, Island Planner	November 16, 2016
Concurrence:	Robert Kojima, Regional Planning Manager	November 16, 2016

ATTACHMENTS

1. [Pender Islands Waste Management Site Suitability Report](#)

File No.: NPI Bylaw 203/204:
6500-20 STVRs

DATE OF MEETING: November 14, 2016
TO: North Pender Island Local Trust Committee
FROM: Justine Starke, Island Planner
Victoria Office
SUBJECT: Post Public Hearing Report – Short Term Vacation Rentals on North Pender Island
Applicant: N/A
Location: N/A

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Bylaw No. 203, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2016,” be amended to remove section 6.4.13 and to renumber accordingly.
2. That the North Pender Island Local Trust Committee Bylaw No. 203, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2016,” be read a Third time, as amended.
3. That the North Pender Island Local Trust Committee Bylaw No. 204, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2016,” be read a Third time.
4. That the North Pender Island Local Trust Committee proposed Bylaws No. 203 and No. 204 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
5. That the North Pender Island Local Trust Committee proposed Bylaw No. 203 be forwarded to the Minister of Community, Sport and Cultural Development for approval.

REPORT SUMMARY

The purpose of this report is to present Bylaws 203 and 204 for consideration of Third Reading and referral to the Executive Committee of Islands Trust and the Minister of Community, Sport and Cultural Development for approval. Bylaw 204 will permit STVRs as home businesses in residential zones; Bylaw 203 will amend the Official Community Plan to enable STVRs as accessory uses in residential zones, and introduce Temporary Use Permit guidelines for STVRs.

As a result of the input heard through the referral process and included in the public hearing material, it is recommended that Bylaw 203 be amended to remove Section 6.4.13. This provision was included to clarify that the Bylaw enforcement staff can enter the property. However, this provision is redundant with the NPI LUB provision 2.4.1 which also authorizes this. Referral responses from Islands Trust Bylaw Enforcement and from the North Pender Island Advisory Planning Commission both recommended removal of this provision.

The overall objective of this project is to engage a community planning process that considers options to improve the stock, availability, and impacts of affordable housing on North Pender Island. The North Pender Island Local Trust Committee’s (LTC) first priority is consideration of the use of residential zones for tourist

accommodations, known as STVRs (Short Term Vacation Rentals). The scope of this work has been guided by a “[project charter](#),” which can be reviewed on the North Pender Island Local Trust Area web page: www.islandstrust.bc.ca/npender/housing.

BACKGROUND

The Local Trust Committee is considering a bylaw to regulate Short Term Vacation Rentals on North Pender Island. A public hearing was held on November 5, 2016. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

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

1. Consideration of Third Reading (this may include amendments to alter a bylaw).
2. Forwarding of the bylaw to Executive Committee for approval.
3. Forwarding of the bylaw to the Minister’s office for approval (OCP amendment bylaws only).
4. Reconsideration and adoption.

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

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

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

Rationale for Recommendation:

The proposed amendments reflect the results of the referral and consultation process with the community. There are not further changes recommended prior to consideration of third reading.

ALTERNATIVES

1. Make other amendments to the bylaw(s)

The LTC may amend the bylaw(s) provided, the amendments would not alter use or increase density

Possible Resolutions:

That North Pender Island Local Trust Committee proposed Bylaw 203, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2016,” be amended as follows

That North Pender Island Local Trust Committee proposed Bylaw No. 204, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2016,” be amended as follows

2. Proceed no further

The LTC may decide to proceed no further with Bylaws 203 and 204.

Resolution:

That the North Pender Island Local Trust Committee proceed no further with Bylaw 203 and 204.

NEXT STEPS

1. Refer bylaws 203 and 204 to the Executive Committee of Islands Trust.
2. Refer bylaw 203 to the Ministry of Community, Sport, and Cultural Development.

Submitted By:	Justine Starke, RPP, Island Planner	November 14, 2016
Concurrence:	Robert Kojima, Regional Planning Manager	November 14, 2016

ATTACHMENTS

1. Proposed Bylaw 203 amendment
2. Proposed Bylaw 203, as amended
3. Proposed Bylaw 204

PROPOSED AMENDMENT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 203

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

WHEREAS the North Pender Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the North Pender Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the North Pender Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend the North Pender Island Official Community Plan Bylaw No. 171, 2007;

AND WHEREAS the North Pender Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE 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, 2016".

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 30th day of June, 2016.

READ A SECOND TIME this 22nd day of September, 2016.

PUBLIC HEARING HELD this day of , 20.

READ A THIRD TIME this day of , 20.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this day of , 20.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this day of , 20.

ADOPTED this day of

SECRETARY

CHAIRPERSON

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 203

SCHEDULE 1

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

1. Amending Policy 2.1.1.2 by adding “except where authorized by a Temporary Use Permit” to the end of the sentence after the word “use.”
2. Inserting a new policy after Policy 2.1.1.2: “Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.”
3. Amending Policy 2.1.2.2 by adding “except where authorized by a Temporary Use Permit” to the end of the sentence after the word “use.”
4. Inserting a new policy after 2.1.2.2: “Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.”
5. Amending Section 6: Temporary Use Permits as follows:
 1. Delete the preamble in its entirety and replace with the following:

“An Official Community Plan may designate areas where temporary uses may be allowed. A temporary use permit may allow a use not permitted by zoning, specify conditions under which the temporary use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. A permit may be issued for a period of up to three years and may be renewed only once, after which a new application is required.”
 2. Add a new Policy 6.4 as follows:
 - 6.4 “In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental permit:
 - 6.4.1 For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.
 - 6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence.

- 6.4.3 The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.
- 6.4.4 The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit. If the lot is served by a community water system, the application should be referred to the water system for information.
- 6.4.5 The landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 6.4.6 If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- 6.4.7 The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m².
- 6.4.8 The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.
- 6.4.9 The permit should require the owner or manager provide neighbours within a 200 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit.
- 6.4.10 The permit should require the landowner post the following information for guests:
- a) remind guests that the property is located in a residential area;
 - b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - c) emergency service contact information, and to provide a means for contacting them;
- 6.4.11 The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m², and if the building has received an occupancy permit for residential use under the BC Building Code.
- 6.4.12 In addition to any other conditions the LTC may consider appropriate, in some situations the permit may:

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

~~6.4.13 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.~~

~~6.4.14~~ 6.4.13 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued."

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 204

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

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2016”.

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:

“short term vacation rental” means the use of a dwelling or cottage, or a portion 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. For this purpose, a dwelling or *cottage* used as *short term vacation rental* shall be considered an accessory *home business*, subject to the regulations established in Section 3.5.

2.2 Section 1.1 – Definitions, is amended to Include “short term vacation rental” under the home business definition, so the new definition reads:

“home business” means an accessory commercial use conducted on a residential lot and includes: short term vacation rentals, bed and breakfast and any profession, trade, business, artistic endeavour, where such activities are clearly accessory to a principal residential use.”

2.3 Section 3.5 – Home Business Regulations, is amended as follows:

3.5.1- add the word “cottage” so that it reads, “Home businesses must be conducted entirely within a dwelling, cottage or permitted accessory building except that this restriction does not apply to the use of land for a pottery kiln or for outdoor activities associated with a kindergarten, nursery school, daycare or horticulture.”

3.5.2 – Add “with the exception of short term vacation rentals,” so the regulation reads, “With the exception of short term vacation rentals, the combined floor areas of all home businesses on a lot must not exceed 65 m².”

3.5.4 – For clarity, add “In the case of a short term vacation rental, the operator or another person responsible for the vacation rental must live in a permitted dwelling or cottage on the property.”

Add a new Section 3.5.11 – “No more than one dwelling or one cottage may be used for a short term vacation rental on a lot.”

READ A FIRST TIME THIS 30th DAY OF JUNE 2016

READ A SECOND TIME THIS 22nd DAY OF SEPTEMBER 2016

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

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

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

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 is consideration of vacation rentals in residential zones.	03-Feb-2015	Justine Starke	



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



Islands Trust

Print Date: November 17, 2016

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2016.6	c/o DRIFTWOOD PROPERTIES	19-Sep-2016	4605 Bedwell Harbour Rd.\nUpdate the character of the building and landscaping.

Planner: Phil Testemale

Planning Status

Status Date: 17-Nov-2016

Waiting on information (previous)

Status Date: 03-Oct-2016

E-mail sent to applicant requesting revised plans and a completed application (landscaping, parking and screening)

Status Date: 23-Sep-2016

File opened and forwarded to planner and LTC

File Number	Applicant Name	Date Received	Purpose
NP-DP-2016.7	DOUGLAS H REGEHR KAREN J REGEHR	05-Oct-2016	4727 Buccaneers Rd. Permit to: install a covered elevated walkway, replace existing foundation of house, and renovate interior/exterior.

Planner: Phil Testemale

Planning Status

Status Date: 12-Oct-2016

File opened and forwarded to planner.

File Number	Applicant Name	Date Received	Purpose
NP-DP-2016.8	c/o JENNIFER GEE & JOSE MANJARREZ	14-Nov-2016	4717 Buccaneers Rd. Tree removal for driveway

Planner: Phil Testemale

Planning Status

Status Date: 14-Nov-2016

File opened and forwarded to planner and LTC.

File Number	Applicant Name	Date Received	Purpose
NP-DP-2016.9	c/o LUNDIE	14-Nov-2016	4858 PIRATES\nDP for construction of SFD

Applications

Planner: Phil Testemale

Planning Status

Status Date: 17-Nov-2016

On Nov 24 Agenda for reporting. Consideration pending further information.

Status Date: 15-Nov-2016

File opened and forwarded to planner and LTC

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2016.3	KAYNE, DONALD	01-Jun-2016	37149 Schooner Way\nVariance application on setback to build a SFD for recreational purposes.

Planner: Phil Testemale

Planning Status

Status Date: 21-Oct-2016

Applicant has new designer - waiting for amended plans

Status Date: 19-Jul-2016

Application on hold as owners review options based on staff feedback to initial proposal

Status Date: 01-Jun-2016

File opened and forwarded to LTC and Planner.

Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
NP-LCB-2016.1	SH-QU-ALA (PORT BROWNING MARINA PUB)	27-Oct-2016	4605 Oak Rd.\nSH-QU-ALA change to liquor licence

Planner: Phil Testemale

Planning Status

Status Date: 17-Nov-2016

New Application

Applications

Status Date: 15-Nov-2016

File opened and forwarded to planner and LTC

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2012.1	Michael and Anne Burdett	09-Nov-2012	Waste transfer/sorting facility with commercial recycle & composting
Planner: Justine Starke			
Planning Status			

Status Date: 17-Nov-2016

ALC response upholds previous non-farm use approval with new conditions.

Status Date: 15-Sep-2016

ALC has still not responded to reconsideration request.

Status Date: 15-Jul-2015

Application delays related to ALC re-consideration of previous approval.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.1	Mainroad South Island Contracting	11-Jan-2016	3323 PORT WASHINGTON RD\n\nTo change from a TUP to a permanent zoning for a highway works yard.
Planner: Phil Testemale			
Planning Status			

Status Date: 17-Nov-2016

Applicant will provide information. January 2017 agenda for First Reading

Status Date: 19-Jul-2016

Bylaw drafted. Waiting for drainage plan. Sept 22 LTC agenda.

Status Date: 18-May-2016

DS drafting bylaws

File Number	Applicant Name	Date Received	Purpose
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Applications

NP-RZ-2016.2 PORT BROWNING 09-May-2016 4605 OAK RD\nRezone the water lot adjacent to the current Marina
MARINA RESORT
LTD INC.NO.
BC1037734
Planner: Phil Testemale

Planning Status

Status Date: 17-Nov-2016

First reading deferred pending submission of AIA.

Status Date: 21-Oct-2016

Staff Report No. 2 on October 27 agenda. First Reading of Bylaw recommended.

Status Date: 20-Oct-2016

Draft bylaws to be considered at Oct 27 mtg

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\n\n005-636-639\nRequest 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: Justine Starke

Planning Status

Status Date: 17-Nov-2016

First reading deferred pending receipt of archaeological impact assessment.

Status Date: 20-Oct-2016

Draft bylaws for consideration of first reading to Oct 27 LTC mtg.

Status Date: 28-Sep-2016

The parcel at 4605 Oak Rd. was added to rezoning application and Mill Bay Marine Group named acting agent for the application.

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

Applications

Planner: Phil Testemale

Planning Status

Status Date: 01-Nov-2016

File circulated to planner and LTC

Status Date: 27-Oct-2016

File opened

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2014.2	Ene Haabniit	09-Jul-2014	4446 HOOSON RD and 5431 HOOSON RD \n\nTo create a boundardy adjustment between 4446 and 5431 Hooson.

Planner: Phil Testemale

Planning Status

Status Date: 21-Oct-2016

E-mail sent indicating that file will be closed in 30 days if no application received.

Status Date: 15-Sep-2016

Waiting for application for DP

Status Date: 19-Nov-2015

Applicant contacted in late September. On hold pending hiring a consultant.

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2016.1	FERGUSON, JOHN	04-Feb-2016	1329 MACKINNON RD \n\nSubdivision to create one parcel and one remaining.

Planner: Phil Testemale

Planning Status

Status Date: 30-Sep-2016

Spoke with applicant. On hold for One year. Waiting for written confirmation.

Status Date: 15-Sep-2016

Waiting for DP Application and revised Covenant

Applications

Status Date: 15-Jun-2016

PLA Issued June 15, 2016

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

Planning Status

Status Date: 05-Oct-2016

PLA rec'd from MoTI

Status Date: 15-Sep-2016

Waiting for PLA

Status Date: 27-Jun-2016

Subdivision referral report sent to MoTI

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2016.3	BRAEDON'S BIG DIGEM EXCAVATING	04-Apr-2016	3334 Port Washington Rd Temporary use permit for wholesale and storage of aggregates, soil and mulches.

Planner: Phil Testemale

Planning Status

Status Date: 15-Sep-2016

Applicant proceeding with TUP - October agenda

Status Date: 19-Jul-2016

Applicant is reviewing option to rezone or proceed with TUP. Sept 22 LTC agenda

Status Date: 18-May-2016

Reviewing options with applicant.

Islands Trust
LTC EXP SUMMARY REPORT F2017
Invoices posted to Month ending September 2016

650 North Pender	Invoices posted to Month ending September 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	1,500.00	228.45	1,271.55
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	4,000.00	1,548.31	2,451.69
65210-650	LTC - Local Exp - APC Meeting Expenses	600.00	209.71	390.29
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>1,758.02</u>	<u>3,841.98</u>
Projects				
73001-650-4054	North Pender Waste Management Review	10,000.00	8,066.86	1,933.14
73001-650-4073	North Pender STVR Review	4,000.00	0.00	4,000.00
73001-650-4074	North Pender Affordable Housing Review	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>18,000.00</u>	<u>8,066.86</u>	<u>9,933.14</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.	May 25, 2006	NP-LTC-82-06	Enforcement Policy - STVR	1. THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, STVRs that have one or more of the following characteristics will be subject to enforcement: 1. They are advertised on the internet, newspapers or other media; 2. They are not managed by the property owner; 3. More than one dwelling on the lot is simultaneously made available for STVR; 4. While the property is rented persons are also staying in tents, trailers or RVs; 5. There are issues related to health and safety; 6. There is a written complaint by owners or residents about bona fide nuisance issues such as noise or parking congestion related to the STVR; 7. The owner of the property uses more than one property on North Pender Island as a STVR. 2. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the North Pender Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time;
4.	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.
5.	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.

6.	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.
7.				